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ABSTRACT

The House Committee on Appropriations requested the U.S. Office of Education (USOE) and the Bureau of Indian Affairs (BIA) to review the: Impact-Aid Program, Johnson-O'Malley Program, Indian Education Act, and Elementary and Secondary Education Act Title I. ACKCO, Inc. a private Indian-owned professional service firm, was contracted to examine these major educational programs which provides funds for the education of American Indian children in public schools and to recommend changes so that all Indian children will have an equal educational opportunity. The programs were viewed from four different perspectives: (1) legislative--history, intent, and implementation; (2) management--capabilities of the respective agencies handling these programs; (3) fiscal--compliance with rules and regulations, accounting procedures, and relationships of Federal, State, and local funding sources; and (4) the program--attitudes of parent advisory council members, administrators, and teachers toward program success, emphasis, and relevance. The final report is contained in 3 volumes. Volume 1 covers: (1) the study's background, purpose, organization, and procedures; (2) the basic issues in education with respect to educational effectiveness, community participation, school finance, and management in education; and (3) the past, present, and future of Indian education. (NQ)

ED107398

SO THAT ALL
INDIAN CHILDREN WILL HAVE
EQUAL EDUCATIONAL OPPORTUNITY

USOE/BIA STUDY OF THE IMPACT OF FEDERAL FUNDS ON LOCAL EDUCATION AGENCIES ENROLLING INDIAN CHILDREN

Volume 1

Prepared for
U. S. Office of Education
Washington, D. C.

by

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SEPTEMBER, 1974

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RC 008 526

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This document constitutes the final report by ACKCO, Inc., to the United States Office of Education of a six-month study entitled "USOE/BIA Study of the Impact of Federal Funds on the Local Education Agencies Enrolling Indian Children."

In submitting this report, deep appreciation is expressed to all of the personnel in the state and local education agencies and the Bureau of Indian Affairs area offices who, in spite of the burdens of their offices, gave generously of their time to discuss the management of federal funds in the context of fiscal accountability and equal educational opportunity for Indian children.

The information, materials, reports and studies which they made available to us were of great value in completing this report.

Deep gratitude is expressed to the many parents, teachers, students, businessmen and community members who also contributed freely of their individual time. In this regard, special thanks are extended to members of Educational Parent Advisory Committees and especially those Tribal leaders whose cooperation and effort contributed greatly to this study.

Grateful acknowledgement is made to Mr. Lawrence La Moure, Ms. Cathy McKee and Mr. Herb Jacobson of the United States Office of Education for their support; to Mr.

George Scott and Mr. Dean Poleahla of the Bureau of Indian Affairs who served as liaison between the United States Office of Education and the Bureau of Indian Affairs Washington Office; and to others who gave so willingly of their time to provide guidance and direction for the study.

Heartfelt appreciation is expressed to the members of the Consultant Review Team. Without their suggestions and recommendations this study could not have been completed.

We must also acknowledge our sub-contractors who worked within a hectic time frame to complete their tasks: John Ghost Bear and Associates for the legislative study; Francis Killer and Associates for the fiscal study; and Communications Technology Corporation for the management study.

Finally, a special tribute must be paid to the management and staff members of ACKCO, Incorporated, and their families, whose countless sacrifices, time and effort made the completion of this study possible.

Respectfully submitted, September 30, 1974.

EGAN R. ARTICHOKER
PRESIDENT
ACKCO, Inc.

PREFACE

ACKCO, Incorporated, is a private, Indian-owned professional service firm committed to the fulfillment of its role in the business community by serving Indian people. It is our goal to acquire, utilize and teach the best of the white man's technology, yet to root our judgments and recommendations on the value systems and experienced realities of Indian life.

In undertaking the present study, we are cognizant of our unique responsibilities to a diverse body of Indian people consisting of many Tribal cultures. We have accepted the challenge to examine the major educational programs which provide funds for the education of Indian children in public schools and to recommend changes so that all Indian children will have an equal educational opportunity. We believe programs in education should be realistic, that is, they must be relevant to the needs, interests and goals of Indian groups throughout the country. Yet they must be administered within the framework of federal, state and Tribal political systems.

We believe that there should be true equality of educational opportunity for all who desire an education. Inequality for one generation should not, inevitably, be a legacy for succeeding generations. Every individual regardless of race, sex or creed should have the opportunity to develop and demonstrate his intellectual ability and respond to his motivations to excel in constructive endeavor.

The Carnegie Commission on Higher Education set a goal for the year 1976 "that all inequities which are found in curricula, policies, and facilities of our schools themselves be removed so that all ethnic groups may be adequately served".[1] We believe that through this study we can contribute to that goal. Only with appropriately designed educational programs, services and facilities will Indian children begin to find relevancy in attending school. Such programs will allow the Indian children to have their culture recognized and respected within the context of American education.

ACKCO believes its role in Indian Education is to foster the development and design of educational programs that will prepare Indian people to live a full and useful life in keeping with their talents, abilities, interests, goals and cultural lifestyles. Indeed, the need for realistic educational programs is requiring that educators throughout the nation re-examine objectives and modify curricula which have been built upon the middle-class American value system and are not altogether relevant to the needs, interests and goals of people of other cultures and socio-economic backgrounds.

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[1] Report for Equal Opportunity in Education, A Chance to Learn: An Action Agenda for Equal Opportunity in Education (Carnegie Commission on Higher Education, 1970), p. 3.

We believe that the recommendations contained herein, if implemented, will contribute significantly to the positive impact of federal funds in financing the education of Indian children. Yet there remains a need to address the root problem of raising the socio-economic status of Indian people. The premise of most school systems is that there is sufficient motivation and learning experience from the students' home and community environment to allow him to overcome the rigors of the classroom to acquire skills that bring success in moving up the socio-economic ladder.

While the home and community environment for most Americans may provide that motivation and learning experience, research has shown that for most Indians and others of low socio-economic backgrounds this is not true. The Reverend Vine Deloria, Sr., at our Consultant Review Meeting, wherein we discussed the preliminary findings of this study, made a succinct statement based upon his own experiences. He said, "Motivation is caught, not taught".

Only when Indian children see their fathers and mothers, sisters and brothers, elders and community members engaged in meaningful occupations that contribute to the functioning of the total Indian community will educational opportunity begin to equalize for Indian children.

In the context of the reservation communities and Native Alaskan villages, this can only happen when Indians control, direct and staff the institutions necessary to provide an integrated economy.

The involvement of Indian parents and community members in schools through Parent Advisory Committees (PAC) is a significant development in changing the motivational environment for Indian children.

The involvement of Indian parents and community members is likewise a significant development in establishing a monitoring and input mechanism for educational accountability.

While we would have liked to have had more time to carry out all phases of this study, we believe our findings are significant. They give adequate documentation for our conclusions and recommendations. The recommendations contained herein seek to maximize the involvement of parents and community members in the process of education in the context of public schools. The recommendations contained herein seek to strengthen general management practice of educational agencies both to achieve maximum fiscal accountability as well as maximum educational accountability and effectiveness. This can only be achieved when adequate funds are available to allow flexibility for program adjustments as determined through constant feedback to school managers from parents, students, teachers and community members.

And finally we believe that it would be a gross misrepresentation of fact and a disservice to Indian Tribes to assume that public schools and federally administered BIA schools represent the only institutional structures for Indian students. We believe it is necessary for Congress and the Administration to make clear their intent to honor the jurisdictional prerogatives of Tribal governments to exercise their right of self-determination with regard to the education of Indian children. This right includes the development of Tribal Education Agencies and Tribal Community Educational Agencies whose relationship to one another would parallel the relationship of State Educational Agencies (SEA) to Local Educational Agencies (LEA).

GERALD M. CLIFFORD
PROJECT DIRECTOR

ERRATA

"So That All Indian
children will have Equal
Educational Opportunity"

Volume I

Page	Line	Is	Should be
ii	7	educational	education
vi	17	experienced	experiences
xiii	14	Commite	Committee
xiii	22	on the	of the
xvi	11	parent advisors	parent council members
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xvii	15	principle	principal
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xviii	19	principle	principal
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xxiv	5	changes	changed
xxv	19	both...as well as	both...and
xxv	26	district of	district for
xxvi	15	low income	low-income
xxvi	26	school aged	school-aged
xxvii	23	attributing	contributing
xxviii	7	educational	education
xxix	6-7	teachers instructing teachers	teachers instructing children
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xv	15	States) therefore	States); therefore
xxv	21	tion must	tion, must
xxxvi	11	oriented; should	oriented and should
xxxvii	10	jurisdiction	jurisdictions
xlii	14	addition we believe,	addition, we believe
xlii	17	students;	students,
xliii	4	accumulative	cumulative
Section I			
I-3	7	appropriation	appropriations
I-17	21	group con	group, con
Section II			
II-2	3	aims	aim
	5	control; who	control. Who
II-4	20-21	achievement Other	achievement, other
II-4	24	ties or	ties for
II-8	diagram	Adaption	Adaptation
II-8	13	in school	in a school
II-9	3	in school	in a school
II-10	3	but to	but attempt to
II-10	22	Kohl	Holt
II-12	7-8	in absence	in the absence
II-17	14-15	implementating	implementing
II-18	2	markerplace	marketplace
II-18	18	with school	with a school
II-22	16	partnership delegated	partnership, delegated
II-22	15-16-17	rungs, ...control	rungs--...control--
II-23	footnote 20	President White	President, White
II-32	11	liklihood	likelihood
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II-32	33	maintaining under	maintaining, under

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II-35	19	accepts	accepted
II-42	29	opportunity", being	opportunity "being
II-46	24	therefore	,therefore,
II-47	19	jurisdication	jurisdiction
II-49	1	succintly	succinctly
II-60	15	managment	management
II-61	1	is people	is, people

Section III

Page	Line	Is	Should be
III-7	28	by missionary standards	place after Nevertheless
III-16	11	unclarity	unclearness
III-22	10	was	were
III-22	13	skills; neither	skills, nor
24	16	have	had
III-25	20	condition	conditions
III-30	16	stemmed to	stemmed from
III-33	17	cited	citing
III-33	22	Congressman	Congressmen
III-34	10	P. L. 91-318	P. L. 92-318
III-36	22	programs	program
III-39	7	districts	districts'
III-40	2	in which the provisions	which
III-41	14	self government	self-government
III-42	21	affectiveness	effectiveness
III-44	3	effect that	effect of
III-44	9	culminated	accompanied
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III-46	8	ther	their
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III-62	6	by;	by:
III-67	13	New Mexico range	omit range
III-68	3	black	Black
III-68	15	seem	seems
III-68	27	English, communications	English and
III-71	13	students	students'
III-73	17	ranges	range
III-73	18	federally operated	federally-operated
III-74	17	federally recognized	federally-recognized
III-74	18	federally recognized	federally-recognized
77	6	High	Higher
III-78	13	Hopi and Navajo Reservation	Hopi and Navajo Reservations
III-84	7	subsidize	subsidizes
III-84	26	years...Education,...,	years....Education
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III-85	15	is hoped	is hoped,
III-85	24	expecially	especially
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III-86	2	subculture	subcultures
III-86	2	-i.e....together-	--i.e....together--
III-91	6	nteraction	interaction
III-92	10	mehtods	methods
III-92	25	therefore	therefore,
III-93	17	Indian owned	Indian-owned

Done
Pgm 6/11/75

TABLE OF CONTENTS

VOLUME I

ACKNOWLEDGEMENTS....................................ii

PREFACE...iv

TABLE OF CONTENTS...................................ix

SUMMARY...xiii

SECTION I : INTRODUCTION............................I-1

- A. BACKGROUND AND PURPOSE OF THE STUDY.........I-1
- B. ORGANIZATION OF THE STUDY...................I-7
- C. PROCEDURES OF THE STUDY.....................I-13

SECTION II : ISSUES IN EDUCATION....................II-1

- A. EDUCATIONAL EFFECTIVENESS...................II-1
- B. COMMUNITY PARTICIPATION.....................II-16
- C. SCHOOL FINANCE..............................II-29
- D. MANAGEMENT IN EDUCATION.....................II-52

SECTION III : INDIAN EDUCATION--PAST, PRESENT AND FUTURE.......III-1

- A. THE HISTORY OF INDIAN EDUCATION IN THE U.S..III-1
- B. CONDITIONS TODAY............................III-46
- C. THE FUTURE OF INDIAN EDUCATION..............III-81

CONTENTS

VOLUME II

SECTION IV: FINDINGS AND DISCUSSION....................IV-1

A. LEGISLATIVE STUDY................................IV-1

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.....IV-1

DISCUSSION OF FINDINGS.........................IV-17

B. MANAGEMENT STUDY.................................IV-136

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.....IV-136

METHODS..IV-151

DISCUSSION OF FINDINGS.........................IV-155

C. FISCAL STUDY.....................................IV-170

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.....IV-171

METHODS..IV-178

DISCUSSION OF FINDINGS.........................IV-181

D. PROGRAM STUDY....................................IV-212

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.....IV-212

METHODS..IV-220

DISCUSSION OF FINDINGS--EDUCATION CONTENT......IV-223

DISCUSSION OF FINDINGS--PARENT ADVISORY COMMITTEES............IV-233

DISCUSSION OF FINDINGS--BUSINESS COMMUNITY.....IV-244

CHARTS...IV-251

E. ELEMENTS OF PROGRAM SUCCESS......................IV-265

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.....IV-265

METHODS..IV-273

DISCUSSION OF FINDINGS.........................IV-278

CONTENTS

VOLUME III

APPENDIX I : LEGISLATIVE........................App. I-1

A. SUMMARY OF FEDERAL LEGISLATION AFFECTING EDUCATION...App. I-1

APPENDIX II : MANAGEMENT........................App. II-1

A. FUNDS FLOW........................App. II-1

B. DATA SUMMARIES........................App. II-11

C. INTERVIEWEE RECOMMENDATIONS AND COMMENTS.....App. II-20

D. DISCUSSION OF INDIVIDUAL SITE FINDINGS.......App. II-24

E. MANAGEMENT PROFILE OF SAMPLE SEA PLANNING UNIT........App. II-53

APPENDIX III : FISCAL........................App. III-1

A. INDIVIDUAL SITE REPORTS........................App. III-1

B. COMPLIANCE RATINGS........................App. III-72

C. FISCAL CHARTS........................App. III-78

APPENDIX IV : PROGRAM........................App. IV-1

A. SCALE CONTENT FOR PROGRAM QUESTIONNAIRES.....App. IV-1

B. SAMPLE DESCRIPTIONS........................App. IV-6

C. ANALYSIS OF PROGRAM DATA AT A SINGLE SITE....App. IV-8

D. SELECTED SITE NARRATIVES........................App. IV-17

E. RESPONSES TO PACQ QUESTION 55................App. IV-39

APPENDIX V : BIA REVIEW..........................App. V-1
APPENDIX VI : PHYSICAL CHARACTERISTICS............App. VI-1
LIST OF ABBREVIATIONS.............................LA-1
SELECTED BIBLIOGRAPHY.............................B-1

SUMMARY

Background

The Congress of the United States is charged with the responsibility of making laws and appropriating funds to implement such laws. In the process they must rely on the best available data to support their legislative decisions. The federal agencies that carry out legislative mandates have a responsibility of providing information and making recommendations to the Congress in order that legislation and appropriations are intelligently founded. Thus, Congress has expressed a concern over the status of legislation that affects Indian Education and of funding that supports Indian Education.

The Committee on Appropriations of the House of Representatives in House Report 93-322, June 23, 1973 requested the U. S. Office of Education and the Bureau of Indian Affairs to review the Impact-aid program, the Johnson-O'Malley program and the Indian Education Act. Title I of the Elementary and Secondary Education Act was subsequently added to the other three laws as a subject of the study. Thus in May, 1974 ACKCO, Inc. was contracted to do this report for the "USOE/BIA Study of the Impact of Federal Funds on Local Educational Agencies Enrolling Indian Children."

Organization and Method

Rather than looking at the four programs in a vacuum the Request for Proposal asked for the answers to some basic questions relating to a view of education in general, as well as an overall view of Indian Education. Questions concerning Indian Education include the following: What has the federal role in Indian Education been in the past? What are the conditions of Indian people today both educationally and socio-economically? How will the future trends in this country affect Indian people? Is the current knowledge gained by educational research being utilized in Indian programs? What influence should Indian people have on institutions educating their children? Do the current school finance theories adequately address educational problems in general and specifically do they take into account Indian Tribal jurisdictions? Should general principles of management be applied by school administrators? Are present physical facilities adequate?

We explore the first three of these questions in Section III with a discussion of Indian Education, past, present and future which is based on census data, studies, books, interviews and personal experiences.

The next four questions are treated in Section II which is the result of research into the current state of knowledge in each of the areas and application to the realities of Indian Education today. The eighth question, which concerns physical facilities, is treated in Appendix VI based upon a combination of previous studies and on-site observations.

In looking at the four programs specifically as we do in Section IV and the different Appendices, we have viewed them from four different perspectives:

- Legislative - in terms of history, intent and implementation.
- Management - in terms of the management capabilities of the respective agencies handling these programs (State Education Agencies, Bureau of Indian Affairs Offices, Local Education Agencies).
- Fiscal - in terms of compliance with rules and regulations, accounting procedures and relationships of federal, state and local funding sources.
- Program - in terms of attitudes of parent advisory council members, administrators and teachers toward program success, emphasis and relevance. This section also deals with how the parent advisory councils are actually operating and with the attitudes of the business community.

And finally we viewed the combined data from the management, fiscal and program studies to determine the "Elements of Program Success."

The legislative study done by Indian attorney, John GhostBear, reviewed Congressional hearings and reports, actual legislation, rules and regulations, amendments and guidelines.

The management study was done by Communications Technology Corporation. During on-site visits to BIA Area Offices, State Education Agencies and Local Education Agencies questionnaires were administered and interviews conducted. Data was analyzed by CTC and management scores are presented.

The fiscal study was done by an Indian accounting firm, Francis Killer and Associates. During on-site visits to Local Education Agencies books and proposals were reviewed, fiscal managers were interviewed and checks on expenditures were made.

The program study was done by ACKCO, Inc., an American Indian Professional Services Firm. During on-site visits to Local Education Agencies, a field team of ACKCO administered questionnaires to teachers, administrators, parent council members Tribal council members and available students. The field team interviewed members of these same groups and attended parent advisory council meetings. Data analysis, overall study management, non-empirical research, final report organization, writing and editing were carried out by ACKCO, Inc.

There are some general limitations of the study: the short time frame assigned to data collection and analysis, the timing of some on-site visits after school had closed and the difficulty of including significant legislative developments of the past few months. Specific problems within the empirical studies have arisen also: the lack of standard accounting procedures at LEAs for the fiscal team to base comparisons on, the lack of large enough samples and role distributions to do individual site analysis for the program study and the problem of applicability of the management instrument to some of the programs and agencies. However, the limitations are not serious enough to affect the overall findings of the study.

SUMMARY OF INDIAN EDUCATION: PAST, PRESENT, FUTURE

Past

1. The history of Indian Education must be viewed in the context of the overall historical relationships between the United States and Indian Tribes.

2. Treaties were primarily tools for pacification of Indians and acquisition of Indian lands. The treaty process and later the legislative enactments concerning Indians have consistently taken something from Indian peoples. The loss of lands, the confinement on reservations and the resulting disruption of the basic social and cultural fiber of Indian peoples was the price Indians paid. Many of the early treaties made provisions for educating Indian people, yet the educational process came to be viewed by the United States government as the principal tool for assimilation.

3. Indian Tribes view education as a means of survival. In the early years of the 19th century Eastern Tribes, principally the Cherokee and Choctaw Nations, operated their own schools. Other tribes requested schools of the federal government or the missionaries. Whether they ran their own schools or they requested education from the federal government they exercised a basic human right as well as their sovereign jurisdictional right to provide for the education of their children. To this date Tribes have never relinquished this right.

4. The most devastating piece of legislation ever passed affecting Indian peoples was the Dawes Act in

1887. This Act (the General Allotment Act) forced allotment on Tribes and opened the way for final exploitation by land speculators. Indian land opened to homesteading was lost to white settlers. Allotted land within reservations was acquired by forcing Indians to take their land out of trust status and by foreclosing for delinquent tax purposes. Other land was purchased from individual Indian allottees who were forced to sell because of poverty. It is this historical fact of an immoral law enacted by the United States government permitting white settlers to homestead on Indian land and acquire land within the boundaries of Tribal lands that resulted in the formation of public school districts on reservations.

5. Indians view the fact of non-Indian land ownership within Tribal boundaries as a cancerous encroachment on the remaining Tribal land base, and often resent the presence of white controlled public schools within Tribal jurisdictions. The Bureau of Indian Affairs on the other hand views the public schools as the principal means of assimilation. To this day the official Bureau policy is to encourage Indian children to attend public schools.

6. The Meriam Study released in 1928 documented the problems faced by Indian peoples and provoked major changes in policy. The Indian Reorganization Act (IRA) was enacted, under which Indian Tribes exercise some measure of self-government. Many Tribes opposed IRA since it provides the Secretary of Interior or his agent the authority to overrule Tribal actions. Yet it is important in awakening the Tribes

to the trust responsibility of the federal government as a means to help preserve the remaining land base. A basic flaw of IRA is that the development and organization of Tribal codes and governmental structure is based upon non-Indian perceptions of what Indian Tribal government should be.

7. In 1934 the Johnson-O'Malley Act was passed which allowed the BIA to contract with states to provide various services including education.

8. In 1969 a Special Senate Subcommittee released a report disclosing inequities in Indian Education, and described Indian Education in both BIA as well as public schools as a "dismal failure." This report has great significance because in it a committee of the United States Senate denounced the policy of "coercive assimilation." The Indian Education Act of 1972 was enacted as a result of this report. Although this Act is severely deficient when compared with the committee recommendations, it authorized broad Indian parental participation and for the first time legislated Indian input into education.

9. The history of legislation which affects Indians with little exception reveals a consistent movement to deprive Indians of their land base and jurisdictional powers. Indians are wary therefore of any new legislation because it may contain an obscure passage inserted by non-Indian lobbying interests to gain control of Indian lands, resources or to usurp Tribal jurisdictional powers.

Present

10. The census information compiled by the Bureau of Census on the Indian population is severely deficient for planning purposes as evidenced by the use of alternate sources of data within the various federal agencies, i.e., the BIA, Office of Native American Programs, Department of Labor. Yet the data is important in projecting the socio-economic strata in which Indian people are found.

11. Planning for financing institutions for the education of Indian children must take into account the socio-economic background of Indians.

12. Indians represent a culturally and geographically diverse distribution of people whose economic charactistics are lower than any other racial grouping in the nation.

13. The Indian population in the United States increased about fifty-one percent between 1960-1970 and is increasing 1.9 times higher than the national rate. According to the Bureau of the Census information, the Indian population was 792,730 in 1970. There is also a significant out-migration from reservations with approximately 355,738 Indian people now living in urban areas.

14. Forty percent of the Indians in the United States live under the poverty level with unemployment being nearly three times the national average. The national earning capability of Indians residing on federal reservation lands is $1,115.00 compared with a median income of $4,568.00 for urban dwelling Indians.

15. The existing socio-economic characteristics of Indian people are not truly depicted in the Bureau of Census data since median family income is higher in one spectrum of the total Indian population and is raised as averaging is done. Hence a minority of Indian people on reservations hold jobs with adequate salaries while the majority do not have the opportunity to generate an adequate family income.

16. Housing and health facilities are less adequate for Indian people than for the general population of the United States. Health problems are compounded by vast distances from health centers, poor roads and transportation, as well as overcrowded housing, inadequate sanitary facilities, poor nutrition and unsafe water supplies.

17. Although educational characteristics of Indian people are improving, the median level of educational attainment for Indians in 1970 was a median of 9.8 years of schooling. This does not reflect the fact that the number of years completed varies among different Tribes.

18. The low socio-economic characteristics of Indian people indicate a need to develop model educational structures within the Indian community controlled by those that such institutions serve.

Future

19. Evolutionary processes have begun which are reversing the destructive effects of "coercive assimilation." The spearhead of this process is the movement for the development and control of Indian educational institutions.

Significant educational developments will occur if Indian people are given the resources and allowed to develop their own educational institutions. The development of Indian educational institutions will be the key to making significant changes in education as a whole. Changes in method of finance, organization and educational technology would seem to be most easily achieved in the world of Indian Education.

20. A parallel and more basic movement is the assertion of Tribal sovereignty which is beginning to make an impact on the relationships between Indians and the United States government. The development of Tribal sovereignty will dominate the energies of Indian theorists and activists over the coming years. This will have a profound effect upon Indian educational institutions.

21. Federal funding for Indian Education as well as other federal funding to Tribes is dependent upon the priorities of Congress which in turn are affected by historical circumstances. The energy crisis and general decline of the Nation's economic well-being has already diminished the favorable status of general social/poverty related programs. In order to offset possible diminishing support by the federal government for Indian Education, Indian Tribes and Indian educational interests will be looking for more stable sources of revenue.

22. The energy crisis is bringing an intensive effort by the federal government and industrial energy interests to gain control of Tribal natural resources. This will bring

about a crisis to Tribal survival comparable to that generated by the Dawes Act.

23. The crisis will have a positive effect on inter-Tribal solidarity and will force Tribal governments to explore ways to consolidate the potential economic power base which comes from the ownership of Tribal lands and resources.

SUMMARY: JOM, 874, TITLE I, TITLE IV

Johnson-O'Malley Act

24. The Johnson-O'Malley Act (JOM) resulted from the financial pressures placed upon states as a result of the out-migration of Indians from reservations and the non-taxable status of Indian reservations and allotted lands. The legislation was in response to the questions raised by states over the jurisdictional responsibilities for Indian people who were "largely mixed with the white population."

25. The provisions of the Act were not originally restricted to education but were intended to meet the health and welfare needs of Indians as well. On this basis JOM has not been used as extensively as provided for under the enabling legislation.

26. In the BIA's interpretation of the Act, JOM was envisioned to pay tuition costs which included special services for food, clothing and school supplies as well as medical assistance and transportation costs. When health and medical care functions were transferred to the Public Health Service the scope of JOM became limited.

27. Since its enactment Johnson-O'Malley has been used principally to pay basic support costs of schools educating Indian children. In 1953 when P. L. 81-874 became applicable to Indian lands the emphasis of Johnson-O'Malley changed from basic support programs to supplemental programs to meet the "special needs" of Indian children.

28. Just recently (August 1974) the BIA revised and published new Rules and Regulations for Johnson-O'Malley programs. These regulations vest a significant amount of control and authority in present Indian Education committees. They also give parent committees veto power over programs that they feel are irrelevent to the needs of Indian students. The provisions of the regulations also provide community groups with an option to contract with the Bureau of Indian Affairs for educational services traditionally provided for in public schools. It remains to be seen what will result from the implementation of these regulations when state educational lobbies are working to reverse their intent.

P. L. 81-874 (Impact Aid)

29. Increased federal activities associated with the Second World War required the use of state lands. This resulted in financial hardships on school districts as land was removed from state and local tax schemes and as wartime housing units were constructed to meet the war effort.

30. Legislation was enacted as early as 1941 to make payments "in lieu of taxes" to sustain increased enrollment in school districts affected by federal activity. This

legislation was intended to be temporary in nature and only for the duration of the war.

31. Military reduction after the war did not occur as anticipated and Congress continued to appropriate funds for federally impacted areas with the intention of withdrawing support as soon as feasible.

32. A subcommittee survey in 1949 indicated that federal activities were invoking serious hardships on adjacent school districts. On the basis of the survey legislation was enacted in the form of P. L. 81-874 (Impact Aid Act) to "recompense the impacted school districts due to war activities connected with World War II."

33. Indian children were exempt in the original version of the Act on the basis that the Johnson-O'Malley program was exempted. Between 1950 and 1953 considerable discussion within Congress occurred on whether Indian children should be eligible. The issue was resolved when P. L. 81-874 was amended to include Indian children. Thus an LEA could receive both P. L. 874 funds and Johnson-O'Malley funds.

34. In these cases Johnson-O'Malley funds were intended to be used for purposes other than general school expenditures. The BIA interpretation of the 1953 amendment indicated that the Johnson-O'Malley program would be used to accommodate the "unmet financial needs of school districts" due to the presence of large blocks of non-taxable Indian owned property and would be based on the need of the district for supplemental funds in meeting the special needs of Indian children. The intention of P. L. 874 to this date remains

the same as when it was enacted, i.e., to "recompense" school districts that have been impacted by increased federal activities.

Title I - P. L. 89-10

35. Title I of P. L. 89-10 was enacted in 1965 as an instrument to "eradicate" poverty. It was founded on the principle that poverty creates a need for special programs and approaches in the schools to overcome the debilitating effects of the social condition resulting from poverty. Congress recognized that in the school districts offering educational services to children from economically deprived families, it was very likely that the districts, too, were poor.

36. The intention of Title I was to support "adequate educational programs within LEAs for children from low-income families to expend and improve their educational programs by various means which contribute particulary to meeting the special educational needs of educationally deprived children."

37. While the legislation was contemplated principally for poor children, Indian children attending public schools often fell within the poverty guidelines and were entitled to participate in Title I programs.

38. Grants are distributed on a formula computed on two factors; 1) the average per pupil expenditure rate within the state and, 2) the number of school-aged children between the ages of 5-17 from families having an annual income

less than the established low income factor of $4,000.00 and receiving assistance for dependent children under a state plan approved under Title IV of the Social Security Act. The Commissioner may approve grants on the basis of children qualifying on a county-wide basis.

39. Applications are submitted to the State Education Agency which outlined certain qualifying criteria (See, Section IV-pp. 75-76). Additionally, a National Advisory Council was created in the Act to review the administration and operation of Title I. This council would also make recommendations for the improvement of Title I.

40. In 1967, the BIA was provided with set-aside funding from Title I to be administered by the Bureau. This was agreed pursuant to an agreement between the Commissioner of Education and the Secretary of the Interior. The set-aside however is not within the purview of this report since the study has been limited to public schools.

Title IV

41. On August 31, 1967, the Senate Committee on Labor and Public Welfare authorized a special subcommittee on Indian Education to examine all matters pertaining to the education of Indian children and to examine those factors that were contributing to the failure of institutions educating Indian children.

42. The Indian Education Act (Title IV) was developed in an attempt to remedy the problems indentified in the subcommittee report. Title IV was not intended to solve

all of the problems in Indian Education but only those which pertained to Indian children in public elementary and secondary schools. The legislation was designed to amend various pieces of legislation (See, Section IV-pp. 80-81).

43. Title IV was enacted to meet the special educational needs of Indian students by providing financial assistance to local education agencies to develop and carry out elementary and secondary school programs specifically developed to meet the special educational needs. Funding of projects is determined by a computation formula which includes a ten percent set-aside for non-LEAs. One of the basic strengths of Title IV is that LEAs are required to provide for parental input into the program development, implementation, monitoring, and evaluation. Each application must provide these assurances.

44. Part B of the Act requires that the Commissioner must provide grants to Tribes, Tribal educational agencies and organizations to implement programs to improve educational opportunities for Indian children. These grants are generally for support projects for additional services to Indian children.

45. Part C authorized the Commissioner to make grants to SEAs and LEAs as well as to Indian Tribes, agencies and organizations to support planning and demonstration projects to test the effectiveness of programs to provide basic literacy for all Indian adults who are non-literate. Additionally, grants may also be provided for the purpose of conducting research to develop innovative and effective techniques in

achieving literacy for adult Indians.

46. Part D creates the Office of Indian Education and establishes the 15 member National Advisory Council on Indian Education. Part E amended the Higher Education Act of 1965 and provided five percent of the appropriations under the Higher Education Act of 1965 to prepare teachers instructing children on reservations and in schools operated or supported by the Department of the Interior. Under this section, preference is given to Indian students.

SUMMARY OF RECOMMENDATIONS AND ASSOCIATED FINDINGS

We present here the summary of our study of Indian Education, in terms of our main recommendations, together with the conceptual framework and the empirical findings that lead us to these recommendations. The subject is vast and complex. In order to make it somewhat more manageable, we will consider five areas: educational effectiveness, community participation, Indian Education, management and finance. While this division seems natural, it is also artificial: none of the areas can really be isolated, and all recommendations should be thought of as being inter-related.

Within each area, we will present propositions, findings and conclusions, and recommendations. Propositions derive from our research into the state of the art and, for Indian Education, our research into the historical, cultural and legislative aspects. The propositions form the conceptual framework within which we interpret our findings, draw conclusions and offer recommendations.

While the subject of our study is Indian Education, we feel that much of our work can be applied to educational issues affecting other groups, including not just minority groups but the white middle class as well. The definition and implementation of a good educational system is a problem for all. We do not think in terms of Indian Education "catching up" to non-Indian education, but rather in terms of Indian Education forging ahead and serving as a model for other groups that wish to control their cultural destiny by playing an active role in the education of their children.

Educational Effectiveness

After many decades of educational research, there is little agreement on what constitutes a sound education, let alone how to provide it and to evaluate it. The following propositions are basic to our thinking in this area:

Proposition 1 - "Equal Educational opportunity" as a goal for education is good yet it does not insure an adequate educational opportunity, particularly when it is thought of only in terms of busing to achieve racial balance. An equal and adequate basic educational opportunity would be a more appropriate goal.

Proposition 2 - An "adequate basic education" must be defined. This should not be an ideal education, but rather a minimum education to be guaranteed to all children, Indian and non-Indian alike.

Proposition 3 - In a bi-cultural setting, there must also be an additional minimal education defined in terms of the particular culture involved.

Proposition 4 - No educational system can be effective in piecemeal. There must be a unified (but not uniform) and coherent program.

Proposition 5 - Since no existing educational system is consistently successful by any yardstick of measurement, radical changes may well be necessary and desirable. In particular, non-school-based education may be at least as important as learning in the classroom.

Our empirical work shows that the success of the Title I, Title IV and JOM programs are all viewed in terms of traditional (3 R's) subject matter. Since we know that Indian parents want their children to function well in both cultures, yet emphasize traditional subject matter, we conclude that the current basic foundation programs are inadequate. We stress that an adequate basic education must be defined and that it must be guaranteed through the use of basic support money and compensatory programs. This is not an Indian issue, but a completely general issue that must be resolved before the specific educational goals of Indians can be dealt with properly. Not only is traditional subject matter most relevant in terms of program success, but it is stressed most in all three of the programs. There is both serious overlap among the programs and general confusion as to what program serves what purpose and for whom. We recommend the enactment of an Indian Education Omnibus Act, not to replace existing legislation but to clarify it. We further recommend that such legislation be concerned not only with program type, i.e., basic, compensatory, or cultural, but clearly address the issue of eligibility of the various types of institutional structures, i.e., federal school (BIA), public school (LEA) and Tribal educational institutions, i.e., Tribal community schools and Tribal educational agencies.

On pages xliv - xlvii we include an outline of major legislation that must be examined and clarified. The outline includes a column describing needed reform which should be thought of as tentative. We recommend that the study called for in S. 1017 center on developing and clarifying the legislative relationship in detail taking into consideration the issues, findings, conclusions and recommendations contained in this study.

Community Participation

Since educational goals cannot be agreed upon, there is no objective crit erion for measuring educational effectiveness, one man's expert opinion becomes another man's heresy. We offer the following two propositons as a guide for alleviating this situation.

Proposition 6 - The community, thought of mainly in terms of parents but including students and all other concerned citizens, should be the final judge of educational effectiveness.

Proposition 7 - The community must be able to implement its educational goals and judgments. This requires control, rather than mere advisory status, with regard to curriculum and staff.

Our field work shows that effective PAC functioning leads to a more successful program. It also shows that PAC members are often inadequately informed of their own program, are very uninformed regarding other programs, and do not coordinate their activities with other PACs in the district. We conclude that PACs are the key to educational relevance and success, but that they are hampered by inadequate training and a lack of technical assistance. Indian energy in the community is diffused and fragmented rather than focused on common goals. We recommend a single PAC in a district, with existing PACs serving as committees for specific programs. This would apply to Title IV and JOM at least; for Title I, the committee might serve as a delegation, rather than comprising the entire committee for that program. This single PAC must be adequately funded, so that staff positions can be maintained and so that technical assistance can be purchased. Not only are PAC members uninformed about their programs, but school staff are frequently uninformed about the role of the PAC. More training must be provided, and funded, at all local levels. PAC members, school staff and LEA staff should have combined training sessions in which all groups learn from each other on an equal basis.

Indian Education

The preceding discussion deals of course with Indian Education, but could be applied with little change to other bi-cultural settings. The Indian situation, however, is unique, and we advance the following propositions as distinctly Indian.

Proposition 8 - Indian Education within the federal structure has evolved primarily as a tool for assimilation and for land divestation. In any terms, Indian or white, this traditional educational sytem within the BIA and public school structures has failed.

Proposition 9 - Indian Tribes and not states have the primary responsibility for educating Indian children within Tribal jurisdictions.

Proposition 10 - The financing of Indian Education is exercised by the federal government in Tribal jurisdictions in lieu of Tribal fiscal responsibilities not in lieu of state fiscal responsibilities.

Proposition 11 - Federal financial support for Indian Education stems from treaty, moral, legal and practical responsibliiities.

Proposition 12 - Indians who have accepted U. S. citizenship have a dual citizenship (Tribal and United States); therefore within state jurisdictions they enjoy all the rights, duties, privileges and responsibilities of any other citizen of the state.

A major conclusion which follows from these propositions is that legislation, and the implementation of legislation, must take into account the fact of Tribal educational jurisdiction and thus the development of Tribal educational institutions as well as the fact of Indian students in state jurisdictions and thus federal funding to address the special educational needs of such students.

Within the framework of Tribal educational jurisdiction we recommend that federal educational funds be spent primarily for the development of Tribal educational institutions. BIA schools should be returned to Tribal control rather than to state or local educational agencies. Maintaining the existing public educational institutions (state jurisdiction) within Indian Tribal jurisdictions should be an option of Tribes, not a requirement brought about by the BIA policy of termination of Tribal educational jurisdiction.

Within the framework of Indian Education in public schools we can make specific recommendations regarding the three supplemental programs that have been studied.

Title I is not Indian-oriented and should be used as a compensatory program for guaranteeing an adequate basic. Education in the traditonal subject matter, i.e., (3 R's).

Title IV is the best structured of the programs we have studied. It is at least as successful as the other two, and is the best vehicle for translating favorable community attitudes toward Indian Education into effective programs. Furthermore, it has only been in existence a short time, so that we conclude that it is potentially the strongest tool for achieving a good educational system for Indians. Title IV should be used exclusively for Indian-related educational subject matter. It should be strengthened and expanded.

JOM funds are used for virtually every educational and non-educational purpose imaginable. The only consistent finding is that JOM is simply a device to "plug holes" in the educational budget. This extends, at some sites, to the misappropriation of JOM funds toward basic support.

JOM should focus on special non-classroom needs and should be primarily used to relieve the socio-economic burdens which prevent an Indian child from attending school. In addition, JOM should be used for non-school based education as determined by the PACs. JOM would be best administered by PACs and should allow considerable flexibility since the needs can only be determined by the PACs themselves.

A final point should be made regarding Tribal educational institutions. Education is a major industry; for most Tribal jurisdictions it may well provide more than 50 percent of the inflow of monies. The control of educational dollars leads to financial and political power. Although our study is concerned with education it indirectly is concerned with the socio-economic conditions of the Indian people. We recommend that the development of Indian educational institutions be viewed not only in strictly educational terms, but as a major tool for the economic development and self-sufficiency of Indian Tribes.

Management

The preceding sections have emphasized educational programs and local Indian control. While these two aspects constitute our ultimate area of concern, we must also address the problems that arise from the existing educational bureaucratic structure. The two main functions of these institutions are management and financing, the first of which is treated here and the second of which is treated in the next section. The following proposition applies to both.

Proposition 13 - Education, while taking place on a local level, necessarily involves an extensive bureaucracy, with its twin aspects of management and finance. Educational recommendations cannot be implemented in a vacuum, but must take management and finance into account.

All bureaucracies drift toward self-perpetuation and it is sometimes necessary to remind ourselves of the following truisms.

Proposition 14 - Any educational management system must be based on accountability to a constituency.

Proposition 15 - The constituency, in the case of Indian Education, is the Indian people.

We have found that serious management weaknesses exist at all levels and for all programs. National agencies - USOE and BIA - do not provide leadership and direction to state and regional agencies, and do not coordinate their efforts. State and regional agencies do not manage programs effectively and do not provide leadership and direction to LEAs. The BIA in particular must be singled out here. BIA management is not just weak; it is internally inconsistent and is structured so as to confound rather than serve the Indian people. USOE and BIA, at the national level, must coordinate their efforts, with each other and with Indian groups. They must exercise their authority in terms of clear and enforceable rules, regulations and guidelines so as to provide direction to state, regional and local agencies.

SEA management is weak, has little relationship to LEA management and is not based on accountability to an Indian constituency. Our first recommendation is that Indian Education be managed primarily as a joint local/federal system, with the role of the state being de-emphasized.

At the LEA level, not only is management weak, but strong management detracts from program success; the LEA, in "improving" its management practices, hinders rather than helps the Indian community in achieving its educational goals. The issue here, then, is not that of strengthening current school management practices but of re-defining the role of management. Management must be re-structured to focus on effectiveness rather than narrow compliance; on problem-solving rather than self-maintenance. The management system must be organized to accomplish objectives set by parents, students and teachers. School administrators must make informed decisions based on the reality of the classroom and the child's home environment while adjusting and improving based upon feedback from operational levels and evaluation of outcomes.

An educational system, to be effective, must be financed effectively, i.e., must be financed in terms of the goals and objectives of the system. Financing involves four main components - source of finance, dollar amount, distribution and control - and we base our recommendations on propositions concerning each of these components.

Proposition 16 - The cost of education should be divided between local, state and federal sources in state jurisdictions: between Tribal and federal sources in Tribal jurisdictions.

Proposition 17 - Funding must be guaranteed to provide an "adequate basic education" to all children.

Proposition 18 - Funding must be equitable within an LEA, among districts in a state, and across states.

Proposition 19 - Educational control implies control of money.

We have found that there is no consistent definition of "basic support" at the LEA level. Nor is there any uniformity in accounting procedures or in classification of expenditures. These problems lead to misappropriation of funds, most noticeably in regard to JOM money being used for basic support. More basically, they negate the possibility of an "adequate basic education" for all by obscuring the details of cash flow in a school district. An adequate basic education must be provided through state and local funding together with such federal sources as Title I and P. L. 874. The use of Title IV and JOM for this purpose must be prohibited. Accounting procedures must be standardized to guarantee that LEAs will be acountable in terms of matching revenues to expenditures.

The current situation is not entirely the fault of the LEAs, but is largely dependent on the lack of local funds, inadequate state support and the funding cycles which make planning all but impossible and necessitate an ad hoc use of whatever money is available. Since education should be a basic right, educational funding must be guaranteed. Forward funding is a necessity. Entitlements should be available two years in advance.

Proposition 18 calls for "equalization" of school per pupil expenditures. If this were achieved it would not guarantee an "equal educational opportunity" much less an "adequate educational opportunity." "Equalization" however, can be thought of as providing a minimum per pupil amount for each school and school district. We recommend that federal legislation be enacted requiring states to implement "Equalization" of basic support per pupil expenditures not only across LEAs within the state but also across schools within the district. Such "equalization" should apply to funds for school construction as well as school operation. This would provide a more appropriate method to deal with the problem of "equal educational opportunity." We also recommend that the federal government institute a national "equalization" plan which would equalize per pupil expenditures across states.

If federal equalization legislation which cuts across all levels is too difficult, impossible or too expensive to be enacted by Congress, then as a minimum we recommend the following: The federal government should ensure "equalization" of "basic support" to Indian school districts at a minimum level of the national average per pupil expenditure, through an amendment to 874 legislation.

With regard to school construction P. L. 815 should be amended so as to provide a set-aside for Indian districts to allow for construction needs of such districts or should be funded at a high enough level to end de facto competition between Indian district needs and construction needs of military bases and other federally impacted areas.

Educational content, as we have mentioned, cannot be controlled without control over educational funds. Since we believe that LEAs must be accountable to their communities, we recommend an enforceable by-pass provision for all Indian educational programs. If it can be demonstrated that the LEA is not responsive to the needs of the Indian community, funds should go directly to the unified PAC in the community.

The above summary attempts to set forth basic propositions and recommendations and is not concerned with specific legislative language. We recommend further research that concentrates on developing management models for school administrators. In addition, we believe for Indian Education to become effective new alternatives must be tried, further research must be done to determine the factors that affect the achievement of Indian students, and schools must be changed accordingly.

There must be a new approach which looks at output of schools in terms of performance in reaching goals. Standards must be set not only in terms of the factors in the process, but also in terms of the desired outcomes of students, parents and community.

Schools for Indian children must be allowed to try new alternatives and research must be carried out to clarify the relationships between the Indian child's environment and the school, between the child's goals and aspirations and the goals and aspirations of his teachers, as well as other factors that affect the child.

And finally we believe that policy makers should make every effort to pass legislation based upon informed decisions which take into account the cumulative state of knowledge in the respective disciplines.

SAMPLE WORK SHEET: LEGISLATIVE ANALYSIS FOR INDIAN EDUCATION OMNIBUS ACT

Function	Federal	Public Schools	Tribal Schools	Tribal: Non-School	Needed Reform
Construction of School facilities Federal impacted areas and Indian reservations	°Snyder Act	°Local Revenue °P.L. 81-815 °S.1017 (Proposed	°Snyder Act (when project considered BIA "priority") °S.1017 (proposed)		1. Amend Legislation (P.L. 815 and Snyder Act) to; a. Recognize Tribal jurisdiction; b. Permit funding of construction projects to develop Tribal systems; c. Adequate funding base for realistic phase-in of construction projects
Support for basic educational foundation program.	°Snyder Act	°State & Local °P.L. 81-874 °Johnson-O'Malley °S.1017 (proposed)	°Snyder Act (when considered BIA priority) °S.1017 (proposed)		1. Amend P.L.81-874 to: a. Recognize Tribal jurisdiction; b. Appropriate set-aside percentage for Tribal schools; c. Further define a "basic program". d. Guarantee basic support to Indian districts.

Support for compensatory educational programs to develop basic educational skills.	Title I	°Title I °S.1017(proposed)	°Title I °S.1017 (proposed)		1. Amend Title I: a. To permit Title I funds to go to Tribal as well as Federal BIA Schools. b. Programs should be used for compensatory needs to bring Indian children to achievement levels in the traditional subject matter.
Support for special educational programs which relate to the cultural needs of Indian children	Title I	°Title IV °S.1017 (proposed)	°Title IV (10% set-aside, Part A) °S.1017 (proposed)		1. Amend Title IV to: a. Be used strictly in a cultural sense; b. Funding by-pass for PAC when LEA will not apply for funding; c. Budget for PAC's for training and interaction. d. Title I should be used in BIA school for cultural courses when no other funds are availiable.

Support for non-school based on educational programs.		°Johnson-O'Malley °S.1017 (proposed)	°S.1017 (proposed)	°Johnson-O'Malley (when contracted) °S.1017	Amend Johnson-O'Malley for "out-of-school" usage yet retaining educational emphasis, i.e., serviced which keep students in school.
Provides for community/parental input, control, interaction into programs for Indian children	Snyder Act (Advisory only)	°Johnson-O'Malley (Advisory) °Title IV (Advisory) °Title I (Advisory, non-Indian)	°Snyder Act (community school boards) °S.1017	Johnson-O'Malley (when contracted)	1. Amend legislation to: a. Consolidate PACs in Indian related matters. b. Strengthen control c. Include P. L. 81-874 under consolidation. d. Funding for training PACs.
Provides for development of management systems and mechanisms for accountability to those served by schools and to funding agencies.		Johnson-O'Malley Title IV Title I (only in limited sense)	°S.1017 (proposed)		Needs strengthening in all legislation affecting Indian people.
Evaluative and feed back linkages that permit for development, improvement and growth of community school concepts.			°S.1017 (proposed)		1. Legislation needed for: a. Linkage with institutions of higher learning, Indian research firms. b. Must tie-in with all legislation.

Provides for adequate and relevant training functions for Indian PAC and community members		Johnson-O'Malley Title IV	°S.1017 (proposed) °Title IV (Part B)	°S.1017 (proposed) °Title IV (Part B)	1. Legislation needed to: a. Develop coordination between BIA and USOE. b. Higher training emphasis. c. Outside contracts for developing training packages.

SECTION I: INTRODUCTION

A. BACKGROUND AND PURPOSE OF THE STUDY

Background

In recent months there have been increasing expressions of concern regarding the effectiveness, coordination and adequacy of federal funds spent for the education of Indian children in public schools. In addition, questions have been raised whether programs and authorities are duplicative.

These concerns have increased measurably since the enactment of the Indian Education Act of 1972, Title IV, Public Law 92-318. This Act is the only legislation administered by the Office of Education (OE), to directly address the educational needs of Indian children. Part A of the Act authorizes the OE to grant financial assistance to local educational agencies for elementary and secondary programs to meet the special educational needs of Indian children.

The Nixon administration opposed both the inactment and the implementation of the law. The House Interior Appropriations Report No. 93-322 dated June 23, 1973 states:

> "Last year, Congress passed the Indian Education Act. Congress provided $18 million for implementation of this Act in the 1973 Supplemental Appropriation Bill. The President proposed to rescind this appropriation, but Congress did not concur. It is expected that these funds will be obligated before the end of FY 1973 and available for the coming school year."

The position taken by the Administration in opposing the new Act is that it duplicates authorities already included in other legislation. The Administration particularly opposed Part A. This opposition is reflected in the Administration's Fiscal 1975 Budget request to Congress which allocated no funds for Part A of the Indian Education Act. Notwithstanding the Administration's position the Appropriations Committees again recommended funding in Fiscal 1975. Senate Report No. 93-1069 dated August 2, 1974, contains the following:

"Appropriations 1974	$40,000,000
Budget estimate, 1975	42,000,000
House allowance	42,000,000
Committee recommendation	42,000,000

> The Committee recommends an appropriation of $42,000,000, the same as the budget estimate and the House allowance. In concurrence with the House, the Committee has approved $25,000,000 for Part A assistance to public schools serving Indian children, the same as FY 1974. The budget allocated no funds for Part A this year, providing instead $32,000,000 for Part B (special projects) and $8,000,000 for Part C (adult education). These have been reduced to $12,000,000 and $3,000,000 respectively, with $2,000,000 for administration."

In addition the same Report states:

> "Although the Committee is sympathetic to the vast unmet needs of Indian education, it has deferred any further increases in this program pending the results of a study requested by both the House and Senate Committees last year on the effectiveness of the varied and uncoordinated programs of assistance in this area, both from the Bureau of Indian Affairs and the Office of Education. The Committee believes the total dollars already available may be adequate if applied more effectively to the special needs of Indian children and adults."

The Johnson-O'Malley Program is administered by Bureau of Indian Affairs (BIA) and provides funds for supplemental programs in public schools for federally recognized Indians and in special cases for basic operational expenditures. Considerable problems in the administration of this program by the BIA have come to the attention of Congress. The Senate Interior Appropriations Committee is clear in setting forth its concern with the Johnson-O'Malley program. The Senate report cited above contains the following:

> "In approving the full budget request of $27,952,000 for assistance to public schools serving Indian children (Johnson-O'Malley Act), the Committee continues to question both the equity and effectiveness of this program. Arbitrary allocation of these funds leaves many schools without adequate support, and it is questionable in many cases whether the dollars are directly benefiting the Indian pupils. It is hoped the study requested last year being conducted by the Office of Education and BIA will produce positive recommendations in the near future. Clearly, a legislative overhaul is urgently needed for the various uncoordinated and often ineffective programs of support to Indian school children--who continue to rank at the bottom in the area of educational opportunities."

Most recently, on August 16, 1974, the BIA under considerable pressure from Congress as well as a coalition of Indian Tribes, organizations and schools, published a new set of regulations (25 U.S.C. 33). The new regulations set forth a distribution formula on a per pupil basis and emphasize parental participation and control in the development of supplemental programs. They also specify the conditions when such funds can be used by a school district for operational expenditures. The new regulations make allowance for Indian organizations to contract for and administer these funds at the local level. While the regulations clearly imply that the funds can be spent for the purpose of supplemental needs of Indian children in places other than the public school when administered by Indian organizations, the BIA has not made clear their official interpretation of the regulations.[1]

The Indian Education Act administered by the USOE and the Johnson-O'Malley Act administered by the BIA provide the only two educational programs specifically addressing the special educational needs of Indian children in public schools. A significant amount of federal funds are provided to public schools for the education of Indian children through Title I of Public Law 81-874 (874) and Title I of the Elementary and Secondary Education Act of 1965.

Title I of P. L. 874, sometimes referred to as Impact Aid, authorizes financial assistance for the maintenance and operation of local school districts in which enrollments are affected by federal activities. In 1958 this law was amended to include assistance for educating Indian children.

Title I of the Elementary and Secondary Education Act (ESEA), hereinafter referred to as Title I, provides funds by state formula grants to supplement state and local expenditures in local educational agencies to expand and improve their educational programs to meet the special educational needs of educationally deprived children. USOE reports that in fiscal '74, Title I payments for Indian children in public schools totaled approximately $35 million while P. L. 874 payments were in excess of $30 million.

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[1] See Appendix V.

Inasmuch as the Administration and Congress both report and intend that the monies for Impact Aid and Title I are being spent for the education of Indian children, Indian Educational Interest Groups are becoming increasingly critical of these programs. Indians are asking for fiscal and educational accountability in the expenditure of funds for the education of Indian children.

Purpose

While there is concern over a wide range of issues regarding federal funding for Indian Education, the purpose of this study is to carry out for the USOE and the BIA a directive of the Committee on Appropriations of the House of Representatives contained in House Report No. 93-322, 93d Congress, 1st Session, dated June 23, 1973. The House report contains the following directive:

> "The Committee directs that both BIA and the Department of Health, Education and Welfare review the impact-aid program, the Johnson-O'Malley program and the Indian Education Act program and provide recommendations so that all Indian children will have an equal educational opportunity. The Committee also requests the BIA to review and reassess the Johnson-O'Malley distribution formula. The Committee cannot

> emphasize too strongly that it is deeply interested in the progress of Indian Education, but it wants the funds for these programs to be managed with complete fiscal responsibility so there is equity among the children served by them."

This report presents the results of a six-month study conducted by ACKCO, Inc., of Boulder, Colorado, under contract to the USOE via Small Business Administration's 8(a) Minority Business Contract Program. The study was sponsored jointly by the USOE and BIA and is intended to respond to the major policy questions that the Congressional Committees are asking.

B. ORGANIZATION OF THE STUDY

The overall study is divided into four major sections as follows: Section I, Introduction; Section II, Issues in Education; Section III, Indian Education - Past, Present and Future; and Section IV, Findings and Discussion.

Section I consists of background and purpose of the study; organization of the study, the current section; and procedures of the study. There is also a short section on the limitations of the study.

Section II explores the basic issues in education and seeks to set forth the state of the art with respect to such questions as : What does the accumulated body of knowledge gained through educational research tell us? What is the aim of education? How do we assess educational effectiveness? What constitutes a "basic foundation program" in education? Passing beyond the questions which set forth a philosophy of education, we explore the question of institutionalization. How do we implement an educational philosophy? What kind of institutions do we want? What alternative approaches are available to us to achieve our educational goals? We explore questions of school finance. What is "basic support?" Who is responsible for educating children of any race? What are the sources of school finance? And finally we discuss the question of management as it is related to the educational institutions. What are the basic functions of management? Are managers of educational institutions sufficiently prepared to apply basic management principles? Should we speak of school managers rather than school administrators?

While this section constitutes a theoretical discussion of issues, we believe it is important as it will set forth the theoretical framework which forms the basis of our value judgments when interpreting findings to arrive at final policy recommendations.

Section III sets forth a brief history of Indian Education and discusses the federal role in Indian Education. In this section we present statistical data which is currently available regarding the socio-economic status of Indian people and finally discuss the future of Indian Education. The significance of this discussion points out two important characteristics that must be taken into account in relationship to Indian Education: (1) the federal assumption of responsibility of Indian Education, and (2) the general socio-economic characteristics that must be taken into account in any planning process for Indian Education.

Section IV constitutes the major findings and discussion of the legislative review and empirical research efforts. This section deals with tracing the federal government's role in Indian Education and discusses the nature and extent of said role as well as the federal agency/agencies involvement. The empirical findings, which form the basis for most of our conclusions and recommendations, come from three sources: the fiscal study, the management study and the program study. Since these studies involved three different approaches and methodologies and were conducted by three separate groups of people, they have been treated in this report as independent studies.

Included is a detailed review of legislation affecting the education of Indian children. This portion of the study includes a description of the statutes (i.e., P. L. 874; ESEA, Title I; Title IV, P. L. 318; and the Johnson-O'Malley Act), an interpretation of the intent of Congress, an analysis of rules and regulations and agency guidelines, and conclusions and recommendations for statutory reform.

Also included in this section is a fiscal study which examines the local educational agencies from the standpoint of compliance with rules and regulations and budget requirements. In addition, this section adresses the question of distribution and finally explores the relative amount of federal financing of educational programs in relation to state and local financing. An examination of general accounting systems and procedures was also covered in this study.

A third sub-section presents the findings of a management study of local educational agencies, state educational agencies and area offices of the BIA (the latter only in regard to administering the Johnson-O'Malley program). This section evaluates the management capabilities of the respective agencies and makes recommendations for improvement.

The fourth sub-section is concerned with attitudes of administrators, teachers, parent advisory committee members and others relative to the operation and functioning of Indian Education programs and the degree of success of these programs in meeting Indian educational needs. This subsection also presents the results of a survey of PACs and a survey of business community attitudes toward the educational program.

A final section explores the various elements of "program success" as defined by the PACs. This section represents the findings from statistical analysis of the combined data from the management study, the fiscal study and the program study. We explore the relative importance of PAC activities and LEA management activities in influencing program success.

We also wish to know which specific PAC activities are most important, which specific LEA management functions are most important, etc. Other related questions come to mind which would bear making recommendations for improving Indian Education. Are the influences of the PACs and of the LEAs working together, or are they competing? Are the attitudes of the business community expressed through the LEA or the PAC (or both)? Does management at the SEA level have an effect on management at the LEA level? There are also questions of relating the three programs. Are the programs managed similarly (at the LEA) for a single site, or are they independent of each other in terms of LEA management?

Hopefully, answers to the above questions will serve to clarify the complicated network of different programs and different levels of administration of those programs.

It is important to note here that in Section IV we have presented the reports of the sub-contractors basically unaltered except for some editing and changes in formant and organization. The conclusions and recommendations at the front of each part of Section IV are the subcontractors' and do not take into account the findings, both empirical and non-empirical, of the other elements of the study.

Interpretation of the findings is a two-stage process. At the first stage, findings are categorized, summarized and examined in narrative form, in statistical form or in both. Thus, the first stage is essentially descriptive and objective and is that portion of interpretation of the findings described in the preceding section.

The second stage, that of arriving at legislative and policy recommendations, involves a set of values, either implicitly or explicitly. No research aimed at making changes in the real world is value-free, and in each case where concrete legislative or policy recommendations are made, our philosophical framework will be apparent. The recommendations are based upon applying, to our empirical findings, ideal criteria which we believe constitutes the state of the art in the disciplines of education, management and school finance, as well as criteria which we believe take political realities into account.

It is, of course, necessary to consider the political forces which bear upon the acceptability of any proposed changes in legislation and/or regulations. That is, is the proposed solution acceptable to any or all of the following: Congress, The Administration, The Department of Health, Education and Welfare, The Office of Education, The Department of Interior, The Bureau of Indian Affairs, The Indian Education Lobby, The Public School Lobby, The Teachers Lobby, The State Educational Agency Lobby, The Indian Tribal Government Lobby, Accreditation Institutions and others?

C. PROCEDURES OF THE STUDY

Methodology

The non-empirical elements of the study, the results of which are reported in Sections II, III and IV A of this report, involved traditional research procedures and do not require much explanation. ACKCO staff conducted literature searches (computer-aided in some cases) for appropriate materials in the various disciplines. The information presented in Sections II and III constitutes summarization of significant findings as well as a discussion of key issues in the areas of educational research, school finance, school management and Indian Education. The legislative review, presented in Section IV A, was carried out under a subcontract to a legal research firm and basic legal research practices were followed. None of these elements focused on any sample of Tribes or of study sites, but were national in there scope.

The management, fiscal and program elements of the study involved the collection and analysis of numerical data. Although each of these areas was investigated independently, they were all based on the same sample of 15 sites. A site, for the purposes of this report, is equivalent to an LEA. Although 15 LEAs do not constitute a large sample, the sample is in fact both representative and numerically powerful. Sites were chosen by USOE on the basis of providing a broad cross-section of the many Native

American Tribes, so as to take cultural differences into account, and are distributed among the nine states of Alaska, Arizona, Minnesota, Montana, New Mexico, North Carolina, Oklahoma, South Dakota and Washington. Sites were also chosen on the basis of the LEA's national ranking in terms of Indian enrollment. This resulted in the 15 sites accounting for approximately 17.4 percent of the total national Indian enrollment. An additional advantage of the sample is that it contains both rural and urban sites, so that comparisons can be made on this basis. Details of the sampling, data gathering and analytical procedures used in the three areas of study are given in the appropriate sections of the report. Our purpose here is to summarize and comment on some of these details.

The program study was conducted by ACKCO personnel. It consisted primarily of the administration and analysis of three questionnaires, one on educational program content, one on Parent Advisory Council activities and one on business community attitudes. For the first two of these, the samples coincided to a considerable extent, but were analyzed separately. (The business community sample was essentially non-overlapping with the other two.) The typical site, consisting as it does of a school district, contains a number of schools. Rather than choosing a "representative" school for purposes of administering the educational content questionnaire, we chose to distribute the sample among various schools in the district. (For the PAC and business community questionnaires, no such sampling issue arises.) For the first level of analysis, the sample (consisting here of several hundred respondents, rather than of 15 sites) was analyzed in its entirety. This presents some statistical problems, as discussed in the program section, but is valid as a general procedure.

The sampling procedure, at any one site, began with an initial contact with the school superintendent. This led to appointments with the LEA superintendent, the Federal Projects Officer (or his equivalent) and members of the various PACs. At the local school level, the initial contact was with the principal; this led to meetings with teachers and aides (and students, when possible) who were directly involved with one or more of the programs being studied. Discussions with the above people, all of whom were included in the Educational Program Content and PAC samples, served to direct our field teams to those businesses that are most involved with the Indian community. This formed the basis for selecting the business community sample, which also contained school board members and clergymen.

The fiscal study was done by a sub-contractor. It consisted of financial review and compliance evaluations at each of the 15 LEAs. Aside from the review information that resulted from this study, the compliance ratings alone would make this an invaluable part of the overall study since they serve to tie the fiscal information to the particular programs under review. In this regard, the fiscal study overlaps the management study to some extent.

The management study was conducted by another sub-contractor. It consisted of administering and analyzing structured interviews and close-ended questionnaires. These were administered at each of the 15 LEAs, each of the nine SEAs for the states included in the site sample, and the eight BIA Area Offices for the sites at which there was a Johnson-O'Malley program. The use of questionnaires for some funding sources and interviews for others introduced various problems into the management study; these are discussed in the limitations section. It should also be mentioned here that the sub-contractor was originally under direct contract to USOE and that during the month that this situation prevailed both the general philosophy and the specific methodology of the management study were decided upon. This has led to some problems in reconciling the sub-contractor's approach to management evaluation with our own.

To investigate the elements of program success in empirical terms, we have constructed profiles for each of the 15 sites. A site profile consists of numerous items, selected from the PAC and business community scales of the program study, the compliance and accounting-system ratings of the fiscal study and the management evaluations of the management study. Site values for program study scales were obtained by averaging at each site: Indian PAC member averages for PAC scales and total-sample averages for business community scales. Fiscal and management values for a site do not involve any averaging but simply using the ratings developed in the corresponding studies. The analytic procedure used here is one of multiple regression, so as to bring out the relationships existing among the various areas of concern. Since we are dealing with a sample size of 15 and with a much larger number of variables, special multi-stage techniques have been employed.

In the course of collecting data in the field, each of the three study teams spent a good deal of time simply talking to people involved in the educational process and observing what was happening at the various sites. Information gained in this way has not been ignored, but has served as a backdrop against which to interpret the statistical findings. In the case of the program study, we have gone further in this direction: responses to open-ended items on the questionnaires have been summarized in Appendix IV E.

An additional level of input has been included in each of the three sub-studies in the form of recommendations made at a consultants' meeting. This consultant group, consisting of experts in Indian Education and related areas, was brought in after the preliminary findings had been summarized, but before the final report was written. Their suggestions and recommendations have, in many cases, been included in the report; beyond the level of specific recommendations, this input has been valuable in helping to provide a framework for interpreting findings based on current issues in Indian Education.

Limitations

In general, the major limitations of the study result from the time frame within which the study was conducted. First, the short period of time assigned for data collection at each site imposed a severe restriction on the field teams for each of the three empirical studies. For the program study in particular, there was a second major difficulty: because the gathering of field data took place partly after schools had closed in June, the basic sample population was not readily available.

Another general limitation results from the significant legislative developments of the last two months (August and September, 1974.) We have taken such changes into account to the extent that time and access to legislative reports have allowed, yet our discussion of the new developments should be thought of as tentative.

In addition to (and to some extent resulting from) the general limitations, specific problems have arisen within the individual empirical studies. This is less true for the fiscal study, for which the work was primarily based on standard auditing procedures, so that there is no problem in comparing statistical data across sites or across programs. There is some difficulty in applying compliance criteria uniformly at the different sites, but this is a minor problem since most of these ratings are objectively based.

Limitations of the program study stem mainly from the time frame of the study and the resultant problem of obtaining large enough samples at each site. Since we are primarily interested in findings at the national level, and since at this level the samples are large enough for statistical stability, this problem has not been serious. A related difficulty is that the samples are distributed unevenly in terms of role-groups among the sites, i.e. one site may have a preponderance of Indian PAC members in its sample, while another site may have a preponderance of non-Indian school administrators. This leads to some difficulty in interpreting findings; in general, though, there are sharper differences among role-groups than among sites, so that this difficulty is minimized. Another limitation of the program study results from the analytic procedure of combining items of similar content into scales. This procedure leads to more reliable measures and more readily interpretable findings, but has the drawback that information contained in individual items is lost in the analysis. This does not, of course, invalidate any findings, but rather points toward a need for further analysis of the data.

The management study has limitations stemming from the instrumentation and from details of the coding procedure. The original instrument was a management questionnaire that had been designed for evaluation of Title I programs. Using this instrument for Title IV and Johnson-O'Malley programs is questionable and might bias the results in favor of Title I. A further problem is introduced by the fact that this uniform instrumentation was subsequently found to be inapplicable to Johnson-O'Malley evaluation and to P. L. 874 evaluation due to the low level of management sophistication for these two funding sources. The sub-contractor therefore found it necessary to switch to an open-ended interview format for evaluating Johnson-O'Malley and P. L. 874 management capabilities. Interview responses were translated, at ACKCO's request, into scores on the eight management dimensions derived from the questionnaire. While this has made the funding sources structurally comparable in terms of management evaluation, it should be kept in mind that there is still some lack of comparability among them. Another limitation of the management study involves the steps of coding and averaging. Items from the management questionnaire were frequently coded as "does not exist (not needed)", and this response was then treated as missing data, i.e. not entered into any average scores. Since we feel that a rating of "not needed" is hardly ever appropriate in the present context, we believe that this procedure has inflated the management evaluation scores. This does not seem to be a serious problem, however, since these scores are still predominantly on the low side. In general, the methodological limitations of the management study do not seem serious since the findings and conclusions are in accord with field observations and with other reported findings.

The work on elements of program success is based on data from all three empirical studies. It shares, therefore, their strengths and their weaknesses. In addition, it introduces some new issues. First, the small sample sizes (15 sites for Title I and Title IV and only 11 for Johnson-O'Malley) make the findings of this work tentative in nature, despite the use of special analytical techniques designed to compensate for the small samples. Second, all program success and PAC functioning measures are based on responses of Indian PAC members only. While this has an obvious tendency to bias the results, it should be noted that the bias has been introduced purposefully: it is our belief, and this belief is shared by many prominent educational researchers, that community members are the best judges of program success. A final issue is the relationship between program success and fiscal statistics such as average expenditure per student. We have not included such figures as predictors in the analysis. Again, this does not invalidate any findings, but suggests possibilities for further analysis.

The findings of the various empirical studies are internally consistent and are consistent with one another. They also tend to corroborate the conclusions that have been drawn from the literature searches and from the other elements of the study. In summary, despite the problems arising from the time frame and from the diversity of methodological approaches, we believe the empirical sections of this report are both methodologically valid and conceptually relevant.

SECTION II. ISSUES IN EDUCATION

The purpose of this section is to explore basic issues in education. Consideration of such issues is a prerequisite to consideration of problems in Indian education. The discussion is organized in four general areas:

- Educational Effectiveness
- Community Participation
- School Finance and Institutionalization
- Management of Education

A. EDUCATIONAL EFFECTIVENESS

How is educational effectiveness assessed? Is there an accumulated body of knowledge gained through educational research? What is the aim of education? Should schools be concerned with academic achievement only as the aim of education, or should such institutions be concerned with the total person, that is, with the kind of individual that comes out of the institution? What constitutes a "a basic school foundation" program? What methods should be used to motivate or influence students to learn? What are the determinants of educational success?

The above questions are not all answered in this report. The crucial question of the aim of education can only be answered within the context of a people's value system and culture. Yet it is a crucial question. Only when a goal or aim is clearly laid out can institutions be designed to accomplish such a goal or aim. Another question which must be considered is that of control. Who established the goals of an educational institution? Do such goals make allowance for the goals of the students, the goals of the parents and the goals of the general community within which the school is situated? These questions provide a framework within which to review educational effectiveness of schools.

The Rand Corporation completed a study in 1972 for the President's Commission on School Finance entitled "How Effective is Schooling?"[1] This study assessed the current state of knowledge regarding the determinants of educational effectiveness by performing a critical study of the results of educational research up to the year 1972. In the following pages we have relied primarily on the Rand study since it is the most extensive work in this field.

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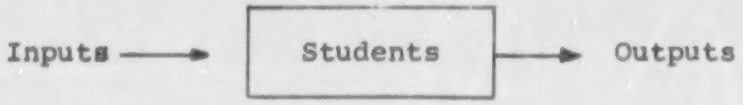
[1] Harvey A. Averch et al., How Effective is Schooling? A Critical Review and Synthesis of Research Findings (Santa Monica: The Rand Corporation, 1972).

Research Approaches and Results

Input-Output Approach[2]

The Input-Output Approach examines to what extent variations in educational outcomes are due to variations in resource levels, background factors, peer group influences. Diagramatically it looks like this:



The research is based on what is called the "production function" which is simplified as the following:

resources + background factors + peer group
influence = student outcome

Student outcome is most often measured as cognitive achievement; specifically, scores on standardized tests in reading and math. Other cognitive results and non-cognitive results are largely unexplored.

School resources are most often based on factors such as faculty quality and physical facilities. Faculty quality is measured in areas such as experience, salary, degree level and verbal ability. Physical facilities are measured by age of building, number of library books, etc.

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[2] Ibid., pp. 31-49.

Background factors are the socio-economic factors of students' families or of the community which the school serves. When centered in the community the factors include racial composition, urban or rural, etc.

Peer group influences are based on educational attainment, aspirations, attitudes and motivations of classmates; percentage of class that intends to enter college; families who own encyclopedias; attendance and transfer rates; etc.

The limitations of this form of research stem from the fact that researchers are faced with extremely complex "natural experiments" in which it is difficult to isolate the different factors.

Results, in general, show that production functions seldom explain student outcomes very well. Results are further broken down into three major factors.

Peer Group Influence. Although Coleman in his major study states that:

- Pupils achievement is strongly related to backgrounds of other students.
- School integration affects Negro achievement,

other researchers have examined his findings and disputed them. Rowles and Levin (1968) question Coleman's first statement since background factors are different in communities for predominantly middle-class schools. They state that the data on integration can be interpreted in different ways. Smith (1971) argues that Coleman made a mechanical error in analysis of individuals' background which affected the student body factor.

Conclusions in this area are:

1. No strong evidence that student body effects exist
2. No strong evidence to the contrary
3. No evidence that student body effects are negative
4. Much controversy stems from the data problem of "natural experiments".[3]

School Resources. School resources results show:

1. School resources are seldom important determinants of educational outcomes.
2. The socio-economic status of students' family and community is consistently related to educational outcome.

Background Factors. Background factors results show:

1. Background factors are always important determinants of educational outcomes.
2. The socio-economic status of students' family and community is consistently related to educational outcome.

This research has given an important policy implication:

> "The resources for which school systems have paid a premium - teachers' experience, reduced class size, teachers' advanced degrees - do not appear to be of great value."[4]

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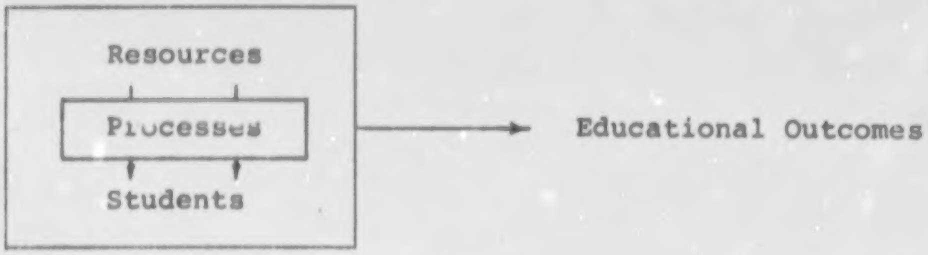
[3] Natural experiment means that the situations studied have been created by chance or coincidence, from the researcher's point of view, rather than created by the researcher as in a true experiment.

[4] Ibid., p. 48.

Process Approach[5]

The Process Approach is concerned with the processes by which resources are applied to students and students' responses to the process. It tries to extend our knowledge of how education takes place and the factors affecting it.



The areas examined in relation to the Process Approach are effects of teachers, instructional methods and student characteristics.

The effects of teachers are broken down into teacher characteristics, teacher skills, teacher expectations and student-teacher interactions. Teacher expectations seem to have the strongest effect on student achievement.

The effects of instruction are divided into classroom instruction and experimental work in instruction.

One area discussed under classroom instruction is curriculum. Rosenshine (1970, p. 296) summarizes needs in this area:

- Greater specification of teaching strategies to be used with instructional materials
- Improved observational instruments that describe classroom interactions more appropriately

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[5] Ibid., pp. 50-92.

- More research into relation of classroom events to student outcome measures

There is also a discussion of television, teaching machines and programmed instruction. The report concludes that learning by television is about as effective as conventional classroom learning when based on sound teaching methods. Programmed instruction has also been found to be about as effective as conventional classroom methods.

Experimental work in instruction involves the organization of psychological research and making it relevant to instruction. Some factors discussed in this area are transfer of learning, reinforcement and feedback, attention factors and retention of learned material.

Student characteristics are the last area discussed in the section. The report discusses evidence that there is a general failure to match student characteristics with specific educational programs which accounts for lack of positive findings in educational research.

Organizational Approach[6]

The third approach addressed is the organizational approach which is based on the assumption that what is done in the schools is based not on a rational search for inputs or processes but a reflection of history, social demands and organizational change and rigidities.

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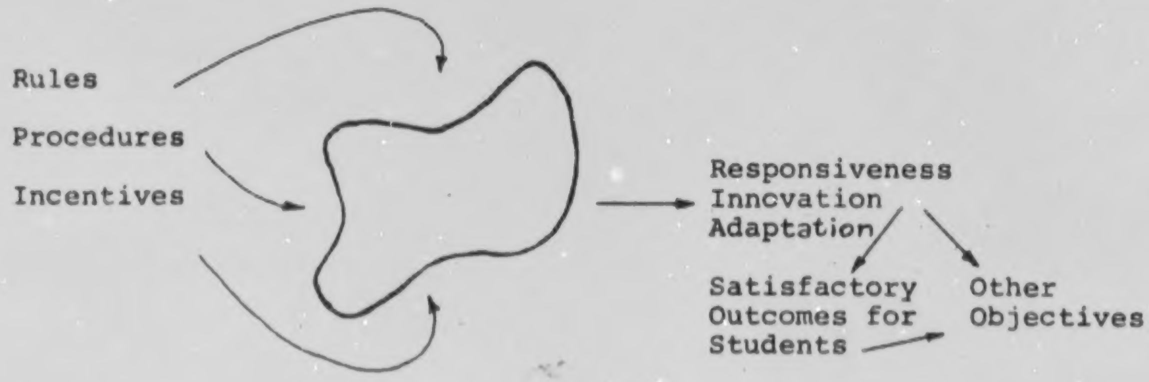
[6] Ibid., pp. 93-99.



This approach is concerned with school staff and with the school's responsiveness to change and ability to adapt to changing clientele. It is based on the assumption that responsive schools will deliver satisfactory academic outcomes. The reasearch uses primarily case study methods.

The results that come from this approach are summarized in the following statements:

- There is a positive correlation between size of system and degree of centralization
- Large educational bureaucracies and large numbers of rules decrease innovation and adaptation
- Rigidities in a school system can partly be overcome by an appropriate choice of principals

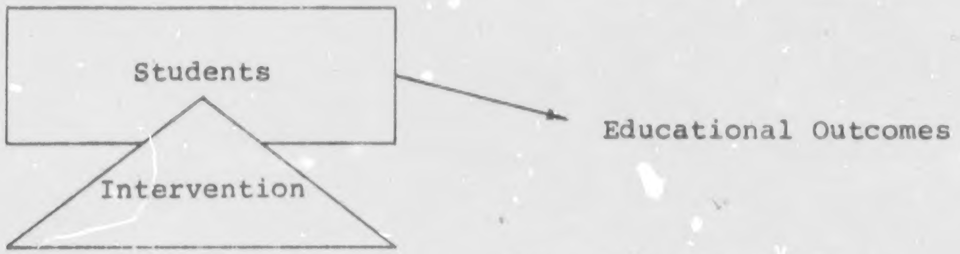
In this area, Havighurst says that successful schools have principals who are willing to make independent decisions. A corollary to the above statement is that a principal's effectiveness in carrying out change is positively related to the amount of support from higher administrative levels.

- Innovation in a school system depends upon external shocks to the system

Gittel and Hollander observe that federal aid has pushed school people to innovation. Legget says that the introduction of nonprofessionals to the schools is of prime importance. Gittel and Hollander further observe that when community participation is encouraged, it encourages innovation.

Evaluation Approach[7]

The evaluation approach analyzes the effectiveness of broad educational interventions and of programs in which treatments are applied to groups of children.



The intervention programs discussed include Title I, Head Start and Follow Through.

A problem with this approach is that since a number of educational inputs or processes are changed at the same time, it is difficult to tell which program features are responsible for results. The analyses seldom attempt to determine why or how intervention affects outcomes, but attempt to find "what works."

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[7] Ibid., pp. 100-125.

Some of the conclusions of this approach are:

1. Large surveys of national compensatory programs have shown no beneficial results on the average, but evaluation reports are often poor and research designs suspect.
2. Two or three smaller surveys show modest and positive effects in the short run.
3. Carefully designed programs show short run gains in cognitive performance.
4. Short run gains fade away after two or three years if not reinforced.
5. Per-pupil costs of successful education intervention vary from $200 up--with $250-$350 a "feasible range."

Experiential Approach[8]

The Experiential Approach is concerned with school reform and includes writers such as Friedenberg, Kohl , Goodman, Hendon, Holt , Silberman, Illich, etc. The approach states that:

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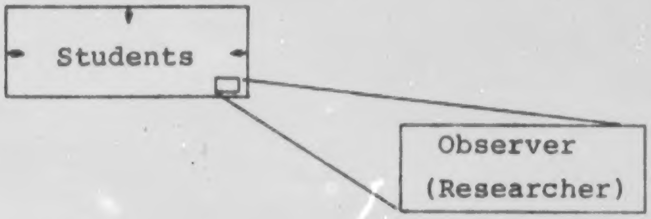
[8] Ibid., pp. 126-147.

> "...the most important thing about schooling is the way in which school experiences affect student's lives and self-concepts, both while they are students and for the rest of their lives."[9]

To these authors, approaches must affect the:

- Student's concept about self as individual member of society.
- Style the student develops to deal with school experiences.
- Attitudes toward social institutions that students develop.



The method of this approach is "on the spot" observation either as researcher or as part of the system.

The reform writers believe that the nature of the school experience affects not only how well cognitive skills are acquired, but also how effectively they can be used after school.

Conclusions of the reform writers are:

1. Schools and research focus on unimportant objectives.
2. For many students learning cannot take place in

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[9] Ibid., p. 126.

an authoritarian environment because children's needs and abilities differ.

3. The substance of educational practice is largely irrelevant and boring to the child.
4. Children do not necessarily benefit more from compulsory schooling than from voluntary attendance or learning experiences conducted in the absence of formal schooling.

Limitations of Research

The report comes up with some general limitations of available educational research:

- Data used by researchers are crude measures of what is happening.
- Educational outcomes are almost exclusively measured by cognitive achievement.
- There is virtually no examination of the cost implications of research results.
- Few studies maintain adequate control over what actually goes on in the classroom as it relates to achievement.

Propositions

The following propositions come from the Rand Corporation's review of educational research:

Proposition #1. Research has not identified any variant of the existing system that is consistently related to educational outcomes.

Proposition #2. Research suggests the larger the school system the less likely it is to display innovation, responsiveness and adaptation and more likely to depend on exogenous shocks. This is further refined to state that whatever the size of the system, real innovation is apt to come from outside pressures, the community or the federal government.

Proposition #3. Research suggests that improvement in student outcomes, cognitive and non-cognitive, may require sweeping changes in the organization, structure and conduct of the educational experience. This proposition is based on the following hypotheses:

- Non-school factors may be more important than school factors.
- The impact of education may be conditional on other aspects of the situation.
- The suggestion that substantial improvement can only be made by a vastly different form of education.

Proposition #4. Increasing money spent on traditional educational practices is not likely to improve educational outcomes.

Proposition #5. There seem to be significant opportunities for significant redirections and in some cases reduction in educational expenditures without deterioration in educational outcomes.

Implications for Educational Research

The report concludes that there are major gaps in the understanding of the educational process and suggests the following directions:

- Research must examine the extent to which, and under what conditions, learning takes place outside the schools.
- The concept of interactions must be more deeply investigated.
- The vastly different forms of education that have been suggested as alternatives to the present system should be investigated.
- We must begin to examine educational outcomes over time and in many dimensions.
- The approaches must be merged.
- Analysts must recognize the cost implications of their results.

It is appropriate to include two quotes at this time:

> "Finally, no single innovative system can succeed along all the dimensions of everyone's value system. Disappointments are inevitable. But the quest is not for perfection; it is for progress toward a more effective educational system."[10]

> "We have been notably unsuccessful as a society in this century in stating our aims of education. The prospect of allowing ourselves to be pressured by narrow concerns, driven by casual circumstances--like our rather uncritical embrace of "accountability"--to set trivial goals for our educational institutions is appalling. We desperately need, for the long range, not to preoccupy ourselves with the trivial, but to shape our goals to fit our broadest perception of the needs of human life, and to challenge our model-builders to reach toward them, and to be critical of failures to reach them."[11]

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[10] Ibid., p. 147.

[11] H. Thomas James, Excerpt from preliminary report to National Academy of Education's Executive Council meeting May 6, 1971 on the feasibility of an Academy Task Force to explore the reporting of performance by educational institutions.

B. COMMUNITY PARTICIPATION

Results of the many studies analyzed by the Rand Corporation suggest that improvement in student outcomes both cognitive and non-cognitive may require sweeping changes in the organization, structure and conduct of the educational experience. The striking conclusion that is repeated over and over again in study results is the fact of the importance of non-school factors in influencing student outcomes.

In this section community participation will be reviewed as a method of bringing about school reform. It is generally agreed that present school systems are not meeting the needs of children and particularly Indian children and children of lower socio-economic background. While many solutions have been proposed, ranging from compensatory programs to abolition of the schools themselves, it becomes important to ask who will choose the solutions:

- the federal government?
- the state government?
- centralized school boards?
- school administrators?
- local school boards?
- parents?

Accountability

An issue that is being raised more and more in relation to schools is "accountability". This is based on the fact that at the present time schools do not have to answer to anyone for results. If children do not learn, it is the fault of parents, not the schools, so there is no impetus for schools to change. Thus, some form of accountability is called for so that the quality and effectiveness of schools can improve.

In a paper on accountability, Henry M. Levin of Stanford University looks into four models. He discusses performance reporting and a technical process which are both concerned with measuring actual achievement. He also discusses a political process and an institutional process that deal with the question of for whom and for what schools should be accountable. Levin goes on to propose an ideal system of accountability and mentions the problems of implementing it in the present school structure.

He sets forth what he believes to be steps required for accountability:

- Clear formulation of educational goals, expectations and priorities by the public
- Communication of goals to the educators
- Implementation of appropriate and effective programs under the guidance of the educators
- Long and short term evaluation of programs
- Feedback of results to educators and the public [12]

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[12] Henry M. Levin. "A Conceptual Framework for Accountability in Education." Occasional Paper 72-10, School of Education, Stanford University, September, 1972.

Another writer on the subject, Theodore R. Sizer,[13] states that there is a need for "marketplace competition" in the education system. At this time education is a massive bureaucracy, and as such, unresponsive to the public and impossibly slow to change. Sizer and other authors such as Leon Lessinger, former U. S. Associate Commissioner of Education, Myron Lieberman and James Coleman, etc. state that by putting competition into the school system in ways such as decentralization, alternative schools, commercial competition and voucher systems, it will be governed by the free enterprise system and answer to "consumers". Lieberman goes so far as to say that if public schools cannot upgrade education at a reasonable cost then alternative models will develop.[14] In other words, they are calling for consumer checks on quality, cost and results as in the commercial sphere.

In the practical sphere there are suggestions for commercial education firms which would contract with a school board to carry out "performance contracts" for programs in the schools. They would be paid in full only if they achieved the results that were set.

An interesting aside at this point is that Lessinger suggests that there must be a method of incorporating programs that prove successful into the regular school program. Myron Jones, Director, Indian Education Training, Inc., of Albuquerque, New Mexico, made this same point at the Consultant Review Meeting held by ACKCO on September 5 and 6, 1974. He said that there sould be a special condition placed upon compensatory and supplemental program monies that would require the programs, if successful, to become a part of the regular school program. The result would be twofold, schools would be forced to address in their regular program the needs of children with low socio-economic backgrounds while freeing federal supplemental funds for further development of quality programs. Again it would in some measure prevent the school from using compensatory programs to supplant basic foundation programs.

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[13] Theodore R. Sizer. "The Case for a Free Market." Saturday Review, 11 January 1969, p. 34.

[14] Myron Lieberman. "An overview of Accountability." Phi Delta Kappan 52, No. 4 (1970) 194-95.

An important mechanism mentioned by writers on accountability is the "independent accomplishment audit," or "independent evaluation,"[15] conducted by evaluators outside the system and which look at programs and schools from the standpoint of results and outputs. These evaluators or auditors would report to school boards and school administrators providing them with information to base decisions on.

Much of the literature concerning "accountability" in education is centered around the situation in large urban areas where there is an enormous bureaucracy and even the school board is remote from individual communities and schools. This brings out the notion of "community control" as being the means for innovation and reform. A concrete example of the "community control" movement which engendered much heated debate and created a vast amount of literature was the Ocean Hill-Brownsville School in New York City. There, an attempt by the local Black community to control their school resulted in confrontation between the community, the New York school system and the United Federation of Teachers. We have neither the time nor space to go into that situation but we bring it up as the most famous example of the "community control" discussion.

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[15] Leon M. Lessinger. Every Kid A Winner: Accountability in Education. New York: Simon and Schuster, 1970.

Financing

Another facet of the discussion of community participation and control is the issue of school financing. School finance will be discussed in more detail in the next section. However, any discussion of control requires a discussion of finance. The old adage "he who controls the money, controls . . ." is applicable.

Many writers agree that schools with a large number of disadvantaged students get shortchanged in relation to schools in more affluent areas, when reality dictates that schools with large numbers of disadvantaged students need more money to cope with environmental factors.[16]

Some of the suggestions for assuring adequate resources would be:

- No school district should be larger than one high school and its feeder schools.
- Money should be allocated to local schools on the basis of achievement level, student body makeup, etc.
- Each school should have a local school board coordinated by a district school board.
- Local boards should have financial autonomy to insure free decision-making and diverse programs.

Levin suggests that monies be spent to train school boards while also providing expert advice, information and evaluative mechanisms to schools under the board's jurisdiction.[17]

Levels of Involvement

In the article "Eight Rungs on the Ladder of Citizen Participation: Effecting Community Change," Sherry Arnstein notes there are gradations of citizen participation[18] in spite of the rhetoric generated by federal programs.

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[16] Henry M. Levin, James W. Guthrie, George B. Kleindorfer and Robert T. Stout. "Capitol Embodiment: A New Approach to Paying for Schools." In New Models for American Education, J. W. Guthrie and E. Wynne, eds. Englewood Cliffs, New Jersey: Prentice-Hall, 1971.

[17] H. Thomas James and Henry M. Levin. "Financing Community Schools." In Community Control of Schools, Henry M. Levin, ed. Washington, D. C.: The Brookings Institution, 1970.

° Citizen Control	-- Citizenship power
° Delegated Power	
° Partnership	
° Placation	-- Cannot make final decision
° Consultation	-- Tokenism
° Information	
° Therapy	-- Educate or cure citizens
° Manipulation	

At the bottom of the ladder the purpose of power holders is to educate or cure citizens. The next two levels of providing citizens with information and consulting them is mere tokenism because citizens lack power to ensure their view will be heard. It is only with the final three rungs--partnership, delegated power and citizen control--that citizen participation is realized.

When participation is discussed in this section, the participation meant is that of levels six, seven and eight. Any other kind of participation is detrimental rather than beneficial. If people are told they have a voice in decision-making or are asked to give advice, their decisions and advice must be respected or they will come away with an even more negative attitude than they had before.

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[18] Sherry R. Arnstein. "Eight Rungs on the Ladder of Citizen Participation." In Citizen Participation: Effecting Community Change, Edger S. Cahn and Barry A. Passett, eds. Praeger Special Studies in United States Economic and Social Development. New York: Frederick A. Praeger, 1971.

Aaron Stern calls for real parent input and decision-making, not just placation of the public and forming an organization to "yea-say" present school policy and programs.[19]

The Report to the President from the White House Conference on Children states that school boards have neither the information, facility or authority to control policy. Policy decisions rest largely with the school professionals. Budgets and policies are already decided by teacher contracts or state law. The school boards are caught in the middle of politicians, teachers, parents and students. They are asked to put uncertain resources together with growing demands and come up with an effective educational program. The report calls for the strengthening of local school boards so that parents, teachers and students have equal voice in setting priorities. The report recommends:

> "The whole community must be involved in determining goals for the education of their children, that is, schools must be controlled by the people they are intended to serve."[20]

Thus a system must be devised to give school boards and committees actual control and to assure their responsiveness to each segment of the community and the overall community.

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[19] Aaron Stern. "Aims and Goals of Parent-School Interaction." National Elementary Principal 36, No. 1 (1957) 294-302.

[20] Report to the President, White House Conference on Children. 1970 Washington, D.C., p. 132.

Benefits of Participation

Authors such as Mario Fantini state that reforms have failed because they are efforts to revitalize and defend an outdated and ineffective system of education. They say that reform in school government, personnel and goals will be generated by community control and that the public must hold the experts accountable.[21]

In a research memo to the Office of Planning, Budgeting and Evaluation of the U.S. Office of Education, the Stanford Research Institute concludes that all programs "input-output" measures showed childrens' achievement was increased by parent participation. The memo goes on to say that the factors affecting the child are:

- Increased motivation
- Skill acquisition
- Parental confidence
- Program changes in schools
- Parents' sense of fate control[22]

The Fleischmann Report, a study on the quality, cost and financing of education in New York State concludes that the benefits gained from increased parent and student participation in governing schools are worth the different channels of accountability necessary. The report also calls for the need for financial equity in paying for schools; more equal distribution of monies and resources; greater centralization and standardization of overall guidelines; and decentralization with emphasis on parent advisory councils for individual schools.[23]

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[21] Mario D. Fantini, "Community Control and Quality Education in Urban School Systems." In Community Control of Schools, Henry M. Levin, ed., Washington, D.C.: The Brookings Institution, 1970.

[22] Parent Involvement in Compensatory Education Programs. Research memorandum prepared for Office of Planning, Budgeting, and Evaluation, United States Office of Education, Palo Alto, California: Educational Policy Research Center, Stanford Research Center, Stanford Research Institute. 1973.

An illustration of increases in achievement as a result of parent participation in an Indian context is the report of Janice Weinman on the San Juan and Santa Clara Pueblos. She concludes that:

actual control of education → greater relevancy of adult behavior → sense of efficacy by adult generation → motivation of children to achieve

She sees differences even between the two Pueblos and stresses the need for flexibility and differential treatment which local control provides for. She states the initial value of local control to be defining which skills and aspects of Indian culture should be included in the education program thus making it more relevant to community values and needs.[24]

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[23] New York State. *Report of the New York State Commission on Quality, Cost, and Financing of Elementary and Secondary Education*, Vol. 3. Manly Fleischmann, Chairman. New York: New York State Commission on the Quality, Cost and Financing of Elementary and Secondary Education, 1972.

Another benefit of parent participation, and student participation, is the enhancement of the school's role in preparing students to function in a participatory democracy. Thus, the parent's sense of control and decision-making is communicated to students and sets an example. Hopefully, the students themselves would also be given a role so that they have a sense of their own decisions affecting the system.[25]

Fantini sums up benefits of participation for different groups:

• Parents	It gives them a tangible grasp on the destiny of their children and opens up richer meaning for their own lives.
• Professional	It rescues them from an increasingly negative community climate and gives them new energies and allies in their task.
• Children	It supplies a school system that is responsive to their needs and abilities, resonant with their

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[24] Janice Weinman. "Local Control over Formal Education in Two American Communities: A Preliminary Step toward Cultural Survival." Review of Educational Research 42, No. 4 (1971) 533-39.

[25] Irving N. Berlin. "The School's Role in a Participatory Democracy." American Journal of Orthopsychiatry 42, No. 3 (1972) 499-507.

personal style and affirmative in its expectations.[26]

Ramifications for Indian Education

Starting with the premise that education is not working well for society as a whole, and that it is working even less well for Indians, there is a need for new goals and new solutions. The question that must be answered is "Who will choose the solutions?"

For over 100 years the solutions for Indian people have been chosen by someone else. In line with the research findings documenting the benefits of community participation, Indian parents and community members should be included in the control of the schools that their children attend in such a way as to guarantee that:

- Indian parents set the goals for their children's education.
- The education program is relevant to Indian culture and environment.
- School administrators carry out their directives.
- School resources are applied according to their priorities.
- Adequate resources are provided each school to meet their goals.

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[26] Mario D. Fantini ."Community Participation." in Gittell, Marilyn, and Hevesi, Alan, eds., The Politics of Urban Education. New York: Frederick A. Praeger, 1969.

- Indian boards and committees are given adequate training funds, expert advice and information to make decisions.
- Indian boards and committees have a mechanism built in to keep them ever responsive to each segment of the community and the overall community.

C. SCHOOL FINANCE

What are the sources of school finance? Who is responsible for financing education? What is the role of local school districts in financing education? What is the role of state governments in financing education? What portion of school costs should be borne by the federal government? What is the responsibility of Tribal governments for the education of Indian children within their jurisdictions? What portion of a school budget constitutes "basic support"? What constitutes an "equal educational opportunity"? Are public schools as they now exist viable educational institutions? What alternative educational institutions can be supported with public monies? What are special needs of school children? How are they determined? What will it cost to meet such needs? Such questions serve to set forth the basic issues in school finance, and will be the subject of continued dispute. In the following discussion we will explore some of the issues which are important for Indian Education.

We will rely primarily upon a series of volumes published by the National Educational Finance Project (NEFP). This four-year nation-wide research project on school finance initiated by USOE was administered through the Florida State Department of Education and the University of Florida at Gainesville.[27]

Local Responsibility. The fact of local school district responsibility in financing education of elementary and secondary students is beyond dispute. It is established beyond question that the states have the primary responsibility for the education of children who are residents of the state. The states have traditionally exercised that responsibility by authorizing the levy of property taxes at the local school district level.

Although we have found no formal statement of a theory which set out why local school districts should have fiscal responsibility, there are many reasons given for local school districts sharing in that responsibility.

The following table, extracted from volume 2 of

PRIMARY AND SECONDARY SCHOOL REVENUES, SOURCE BY LEVEL OF GOVERNMENT, SELECTED YEARS, 1959-60 to 1969-70[28]

YEAR	TOTAL	FEDERAL	STATE	LOCAL	TOTAL	FEDERAL	STATE	LOCAL
	(Millions of Dollars)					(Per Cent)		
1959-60	14,747	652	5,768	8,327	100	4.4	39.1	56.5
1965-66	25,357	1,997	9,920	13,439	100	7.9	39.1	53.0
1967-68	31,092	2,472	12,232	16,388	100	8.0	39.3	52.7
1969-70	38,476	2,545	15,645	20,286	100	6.6	40.7	52.7

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[27] Roe L. Johns, et al. ed National Education Finance Project, Vol. 1: Dimensions of Educational Need, Vol. 2: Economic Factors Affecting the Financing of Education, Vol. 3: Planning to Finance Education, Vol. 4: Status and Impact of Educational Finance Programs, Vol. 5: Alternative Programs for the Financing of Education, (National Educational Finance Project, Gainesville, 1971).

[28] Ibid., 2:237.

the above mentioned series illustrates the percentage of local, state and federal financing of elementary and secondary education.[29] The table shows that for the years 1969-70 across the nation 52.7 percent of the cost of elementary and secondary education was borne by local school districts. Of the total revenue provided by local school districts 98 percent to 99 percent was raised by local property taxes.[30] It is the difference in ability to raise revenue at the local level that has generated the major issues surrounding state and federal financial support of schools.

There is widespread acceptance of the viewpoint that the responsibility for financing primary and secondary education should be shared by all three levels of government. Yet there are those who advocate that the local school district's fiscal role be dropped.[31]

The following is a summary of reasons set forth by economist Harvey E. Bazer why local control and financing should be maintained:

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[29] Ibid.,2:237

[30] Roe L. Johns et al., ed. Financing Education Fiscal and Legal Alternatives; A Summary of the National Education Finance Project, (Charles E. Merrill Publishing Co.; Columbus 1972) p. 129.

[31] Johns et al., NEFP Project, 2:235.

- Differences in preferences and consumer sovereignty; not only individuals but also neighborhoods and whole communities differ widely in their tastes as well as in their perceived needs with respect to quality and quantity of elementary and secondary education. It follows that the local voting-budgetary process will produce an allocation of resources to education that is more efficient than the outcome to be expected under a state-wide centralized system.

- Pluralism; the risks of innovational experimentation are reduced under decentralization while the likelihood of innovations emerging are increased. Mistakes of one unit of local government can be avoided by others while the successful changes can be copied or adopted.

- Local control and local financing; even if financing of education was provided by higher levels of government while control of policy and programs were exercised by local units, inefficiency is likely because the budget levels would likely be too high for some and too low for others. It is unlikely however that the state would provide all of the financing while permitting local school districts broad discretion in the use of funds. With respect to efficiency the important considerations are not so much the level of state support or the proportion of costs borne by the state but the form taken by the instrument under which funds are distributed. The assignment of a major role in both the control and financing of elementary and secondary education to local school districts is required and justified if efficiency in terms of maintaining, under various constraints, the welfare of consumer-voter-taxpayers is accepted as a goal in the provision and financing of education.[32]

State Responsibility. State support of public schools has a long history. Although authorities state that it probably began in the early part of the nineteenth century, authentic financial reports are not available. Initially, a large portion of the state aid was derived from income through land grants from the federal government. Such income was handled and distributed by state agencies. It is generally conceded that, although education was a state responsibility under the Tenth Amendment to the Federal Constitution, most states exercised that responsibility by authorizing the levy of local school taxes for the support of public schools.[33]

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[32] Ibid., 2:242-245.

It was not until 1905 that a theory of state support of schools began to be articulated. In 1905 Ellwood P. Cubberly formulated the basic concepts of state school financing:

> "The state owes it to itself and to its children, not only to permit the establishment of schools, but also to require them to be established -- even more, to require that these schools, when established, shall be taught by a qualified teacher for a certain minimum period of time each year, and taught under conditions and according to requirements which the state, has, from time to time, seen fit to impose. While leaving the way open for all to go beyond these requirements the state must see that none fall below."[34]

Distribution of funds according to Cubberly should be according to the following:

> "Theoretically all the children of the state are equally important and are entitled to have the same advantages; practically this can never be quite true. The duty of the state is to secure for all as high a minimum of good instruction as is possible, but not to reduce all to this minimum; to equalize the advantages to all as nearly as can be done with the resources at hand; to place a premium on those local efforts

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[33] Ibid., 4:1.

[34] Ibid., 4:4.

> which enable communities to rise above the legal minimum as far as possible; and to encourage communities to extend their educational energies to new and desirable undertakings."[35]

As early, then, as 1905 theorists were setting forth notions of (1) equal educational opportunity, (2) minimum standards of instruction, (3) equalization of resources and (4) incentives toward surpassing the minimum standards.

Present state school finance practice has its theoretical base built primarily upon the work of three men: George D. Strayer, Sr.,Robert Murray Haig and Paul R. Mort.[36] In 1923 Strayer and Haig set forth the following conceptualization of "equalization of educational opportunity":

> "There exists today and has existed for many years a movement which has come to be known as the "equalization of educational opportunity" or the "equalization of school support." These phrases are interpreted in various ways. In its most extreme form the interpretation is somewhat as follows: The state should insure equal educational facilities to every child within its borders at a uniform effort throughout the state in terms of the burden of taxation; the tax burden of education should throughout the state be uniform in relation to tax-paying ability, and the provision for schools should be uniform in relation to the educable population desiring education. Most of the supporters of this proposition, however, would not preclude any particular community from offering at its own expense a particularly rich and costly educational program. They would insist that there be an adequate minimum offered everywhere, the expense of which should be considered a prior claim on the state's economic resources." [37]

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[35] Ibid., 4:4.

[36] Ibid., 4:8.

[37] Ibid., 4:9.

The conceptual model for formulating a plan of state support according to their principles included the following:

> "(1) A local school tax in support of the satisfactory minimum offering would be levied in each district at a rate which would provide the necessary funds for that purpose in the richest district.
> (2) The richest district then might raise all of its school money by means of the local tax, assuming that a satisfactory tax, capable of being locally administered, could be devised.
> (3) Every other district could be permitted to levy a local tax at the same rate and apply the proceeds toward the cost of schools, but
> (4) since the rate is uniform, this tax would be sufficient to meet the costs only in the richest district and the deficiencies would be made up by state subventions." [38]

Paul R. Mort accepted Strayer and Haig's theories and advanced concepts concerning the formulation of a state minimum program. Mort stated:

> " A satisfactory equalization program would demand that each community have as many elementary and high school classroom or teacher units, or their equivalent, as is typical for communities having the same number of children to educate. It would demand that each of these classrooms meet certain requirements as to structure and physical environment. It would demand that each of these classrooms be provided with a teacher, course of study, equipment, supervision, and auxillary activities meeting certain minimum requirements. It would demand that some communities furnish special facilities, such as transportation." [39]

Thus, a notion of "comparability" was advanced as early as 1924. NSFP identifies 34 states which used some type of Strayer-Haig-Mort equalization program in the year 1968-69.[40]

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[38] Ibid., 4:9.

[39] Ibid., 4:10.

Federal Responsibility. Federal support of school finance has increased markedly in the last 25 years. While it is generally agreed that the establishment and support of public schools is a responsibility of the state, the federal government has taken a role in support of education from the earliest stages of its history.[41] Education is acknowledged as a principal means of contributing to the economic welfare of Americans.[42] Social, political, scientific and technological events have brought about a critical examination of the ability of public schools to provide the educated personnel to cope with the nation's problems. Financing of public education by the federal government has been increased in an effort to meet these needs of the nation. While there is a considerable amount of federal money spent on elementary and secondary education, the amount and kind of assistance depends upon the legislature's resolution of political philosophy differences, conflicts about race and religion, and notions of equality.

Two basic tenets found in the United States Constitution provide a rationale for much of federal involvement in education;

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[40] Ibid.,4:122.

[41] See Section III.

[42] Ibid.,4:251.

- The federal government is responsible for the general welfare of the nation.
- All men are created "equal."

Thus, various federal programs have been funded by the federal government in order to provide the nation with skills and professions critical to the nation's needs. A prime example of such involvement is the legislation which provided aid to educational institutions to produce scientists and engineers following the successful orbiting of the Russian satellite "SPUTNIK." An example of federal funds which have some basis in the notion of equity is Impact Aid. Impact Aid is based on a notion that federal activities introduced an added tax burden to certain school districts, therefore federal funding is provided to compensate for the burden. In addition federal lands which cannot be taxed were considered to place a burden on school districts, thus federal funds were supplied "in lieu of" funds that might have been generated if the lands were not federal lands.

"Equality" in the context of the education of individuals has lead to the proposition that all citizens have a right to "equal educational opportunity." An example of legislation which seeks to bring about "equal educational opportunity" is Title I of the Elementary and Secondary Education Act.

The principle of equality can lead to absurd applications if viewed in simplistic terms. If, for example, all are guaranteed "equal educational opportunity" yet such educational opportunity is uniformly "inadequate" then we have an absurd state of affairs wherein all are guaranteed an inadequate but equal education. Harvey E. Brazer is concerned that "equal educational opportunity" which has become widely accepted as a goal of fiscal policy in education, for operational purposes, "presumably means equal operating expenditure per pupil, with perhaps minor variance permitted."[43] He notes: "It has been argued recently by the Advisory Commission on Intergovernmental Relations that its attainment (equal educational opportunity) requires 'state assumption of substantially all responsibility for financing education.'" "Substantially all 'means limiting local supplementation to not more than 10 percent of the state program.'"[44] He asks where people would turn who strongly prefer a quality of education that is not attainable with funds assigned by the states. He suggests that the above proposal may be expected to produce uniform mediocrity and that a likely response might be a form of withdrawal of support for public schools by the strongest advocates of high quality education. "The ultimate outcome may well be equal expenditure per pupil in the public schools, or even "equal opportunity" in the public schools, but less equality, however defined, in all elementary and secondary education, public and private combined."[45]

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[43] Ibid., 2:259.

[44] Ibid., 2:259.

"Equality of educational opportunity" as opposed to "equalization of educational opportunity" is a relative concept that grew out of obvious inequalities for Blacks and other minorities when compared with the opportunities available to upper and middle class whites. Assuming that equal financing is adequate financing and that adequate financing produces adequate quality education, then the goal of "equal educational opportunity" has a measureable defined content as opposed to a relative and undefined content. The assumption however cannot be made. The ultimate problem results from educators, voters, politicians and the total educational community being unable or unwilling to define what consitutes an "adequate education". Many states have adopted a "basic foundation" approach to state financing. While minimum educational standards have been set, such standards are centered around curriculum materials, teacher certification, number of school days, facilities and so one. It would seem that all of these factors while not necessarily bad, do not define the output of a school in terms of its performance. A more appropriate standard, if quality education is to become a national educational goal, would be adoption of performance standards. Performance of the school, of administrators and of teachers would be assessed according to the cognitive and non-cognitive achievement of all the students in the district. The federal government then should address the difficult question of "what constitutes an adequate educational opportunity?" Given some measure by which to define and enforce an adequate educational opportunity for all children then "equal educational opportunity" has a defined content.

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[45] Ibid., 2:259.

This discussion leads to a search for goals or objectives of public education. Selma T. Mushkin and William Pollak in an article titled "Analysis in a PPB Setting"[46] discuss schools as an instrument of change. They state "one can mean by educational objectives either the changes which education makes in individuals, or the longer term continuing impacts of these changes on the individual and society."[47] To clarify this point the following diagram and discussion is presented:

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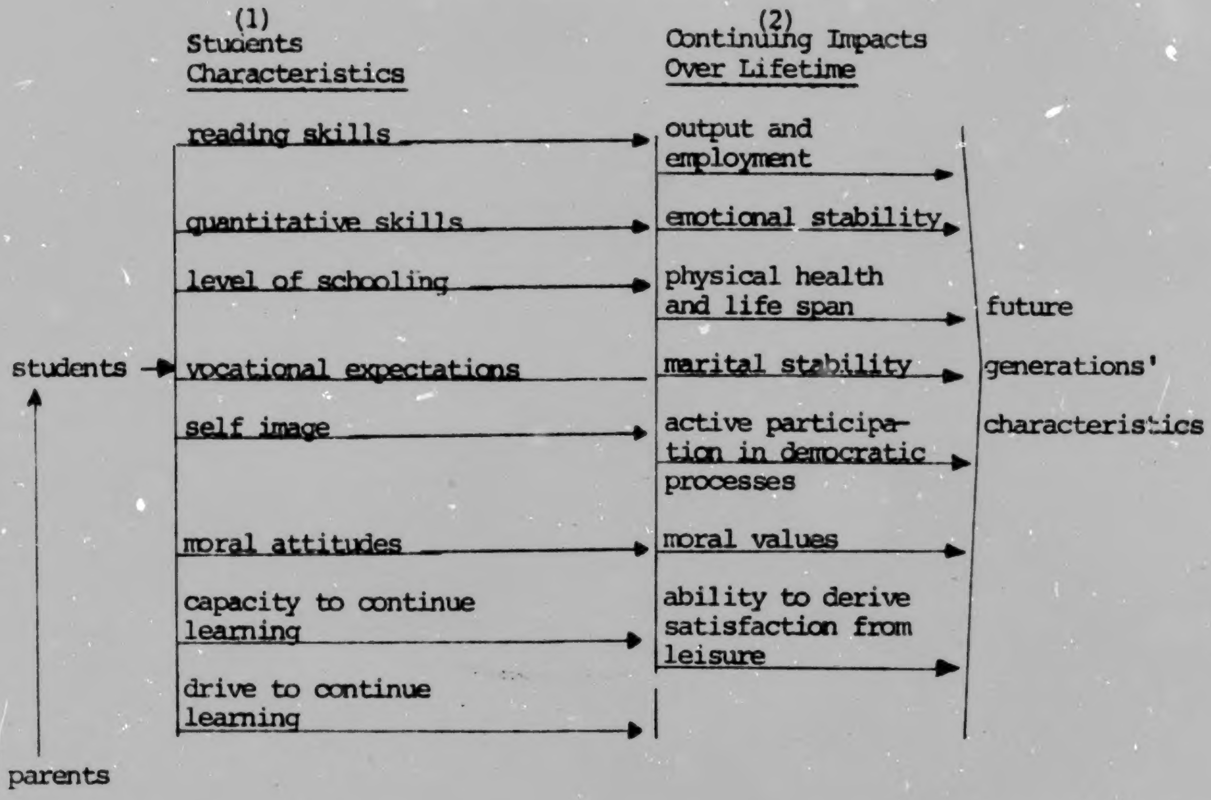
[46] Ibid., 2:329-371.

[47] Ibid.

Students Characteristics and Impacts[48]


(1)
Students Characteristics
(2)
Continuing Impacts Over Lifetime
reading skills
quantitative skills
level of schooling
vocational expectations
self image
moral attitudes
capacity to continue learning
drive to continue learning
output and employment
emotional stability
physical health and life span
marital stability
active participation in democratic processes
moral values
ability to derive satisfaction from leisure
future generations' characteristics
students
parents

" Schools change children, and logically the output of the schools should be regarded as the changes they bring about in students rather than the characteristics students possess as they emerge from schools. But objectives are rarely, if ever, stated in "value added" terms; the column labeled "student characteristics" reflects this. Its entries are all characteristics which, if we had the measurement skills, might be assessed upon the termination of any particular level of a student's formal education. We thus shall call them short-run objectives. The particular package of characteristics possessed by the student when he leaves the school system will have significant, if not determining, effects on several aspects of his later life. They will as the second column implies, strongly influence his lifetime output, moral values, marital and emotional stability, participation in political processes, and so on.

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[48] Ibid., 2:33.

> References to objectives in the senses of both the first and second column are scattered through general discussions of education, as is apparent from statements, for example, that our schools fail to teach all pupils how to read (student characteristics), and to other statements which place blame, for example, on the schools for their "failure" to eliminate gross income inequalities from society (long-term impacts of changes wrought in individuals). This duality of objectives -- or rather the possibility of considering the objectives of education at different points -- complicates the identification of objectives from the economist's perspective in ways which will become clear in the discussion that follows. Though schools can most easily focus on objectives in the first sense, there need be no conflict in viewing objectives from the two perspectives."[49]

The purpose of presenting the above quotation is to suggest the role of the federal government in the context of "equal educational opportunity" should pass beyond enforcement of "bussing" to a leadership role in encouraging states and local educational agencies to define short and long term objectives and developing technology to measure the output of educational institutions.

In discussing the state responsibilities for educational finance, we alluded to the notion of "equal educational opportunity "being interpreted to mean equal financial expenditures per student. The goal of "equal educational opportunity," which is a desirable state of affairs to be achieved for individuals, seems to be merged in school finance literature with the goal of "equalization" of financial support of public schools. The concept of "equalization" has emerged because local school districts and/or states do not have the same tax generating ability. "Equalization" whether applied within a school district, within a county or municipality, within states or across the nation as a whole, is an attempt to provide resources to schools, school districts or states based upon some concrete distribution formula which takes into account the tax generating ability of the total like units of government.

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[49] Ibid., 2:334

"Equalization" as regards per pupil expenditure should be thought of as a minimum, and should be based upon national averages as opposed to state averages. If "equalization" is regarded as a first step and is based upon the cost of an adequate or quality education for a child from a middle-class socio-economic background, then compensatory and special monies would be provided to provide an adequate or quality education to children from low socio-economic backgrounds. In summary, the federal government is involved in a number of ways in financing public school educational costs. The prevailing rationale for federal funding is based on the notion of "equal educational opportunity", the general economic good of the nation and in payment of some perceived federal obligation. Although these underlying rationales are good, the federal government has not yet come to grips with the more basic problems of fundamental change in the goals, organizational structuring and technology of education in elementary and secondary schools.

Tribal Responsibility. Federal involvement in Indian Education is discussed at length in Sections III and IV. Nevertheless, it is important in the discussion of sources of school finance to examine the subject of Tribal governmental jurisdiction and its implication for school financing.

There is a wealth of literature on the theory and development of local, state and federal financing of educational institutions. Yet, we are not aware of any treatment of the responsibilities of Tribal governments for the education of their own Tribal members. We will therefore briefly discuss responsibilities of Tribal governments which appear basic to the integrity of Tribal governmental jurisdiction and Tribal governmental constitutions.

Indian Tribes, not states, have the primary responsibility for educating Indian children within Tribal jurisdictions. Indian Tribes are sovereign and retain all rights of sovereignty except those which have been specifically taken away.[50] Control over education is a basic element of sovereignty; indeed, some Indian Tribes ran their own schools before the states in question had established public schools.[51] In addition, an example of Indians exercising fiscal responsibility for education is the use of annuity funds to support the education of Indian children in sectarian schools in the early 1900's. The fact of sectarian institutions receiving such monies generated resistance culminating in a Supreme Court decision barring the use of such funds by *sectarian schools*; yet the issue of the expenditure of annuity funds *for education* was never in question.[52] There has been no relinquishment by Indian Tribes of the right to control the education of Indian children. This follows from the statement of the United States Supreme Court that "the policy of leaving Indians free from state jurisdiction and control is deeply rooted in the nation's history."[53] Hence, the involvement of the BIA in the education of Indian children has not been *in lieu of state responsibilites* but rather has been *in lieu of Tribal responsibilities*.

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[50] The first and classic analysis of the fact that Indian Tribes did not "surrender [their] independence -- [their] right to self-government" is found in Worcester v. Georgia, 31 U.S. (6 Pet.) 515, 551-61 (1832). For other cases recognizing the reserved sovereignty of Indian Tribes, see, Williams v. Lee, 358 U.S. 217, 219 (1959); United States v. Winans, 198 U.S. 371, 381 (1905); and Talton v. Mayes, 163 U.S. 376, 382-84 (1896). See also, Cohen Handbook of Federal Indian Law 122 (UN.N Mes. Ed. 1971), where this doctrine is described as "perhaps the most basic principle of all Indian law."

The subject of Tribal versus state jurisdictions is extremely complicated. To illustrate the complexity of educational jurisdiction, public school districts (state jurisdiction) are located within the boundaries of reservations. As a result of many factors which cannot be discussed here, non-Indians own a sizeable proportion of former Indian trust property. The presence of non-Indian owned and non-trust property on Indian reservations provides state justification for public school revenue. While the public school district maintains that it has educational jursidiction throughout the geographical district, Indian owned and Tribal owned property throughout the same geographical area is under the jurisdiction of Tribal governments. Indeed Tribes have jursidiction within the geographical boundaries of reservations.

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[51] F. Cohen, *Federal Indian* Law 240 (U.N. Mex. Ed. 1970).

[52] Ibid., p. 242 (also see Section III, p. III-18-20).

[53] *Rice v. Olson*, 324 U.S. 786, 789 (1945).

From the standpoint of the public school district, Indian owned property represents a loss of tax base. The federal government as will be seen in the Legislative Study has specifically amended the Impact Aid Law to treat such Indian owned land as impact areas; thus, the school districts are provided P.L. 874 funds for Indian children, who reside on Indian land, attending such public schools.

From the standpoint of the Tribe the reverse is true. The presence of non-Indian owned land within a reservation represents a loss of income-producing land to the Tribe or to Tribal members.

It must be remembered in this discussion that Tribal members are citizens of the Tribe as well as citizens of a state. In state jurisdictions, therefore, they cannot be denied any of the rights, benefits and privileges, provided by state constitutions. On the other hand, states should not violate any of the jurisdictional powers inherent in Tribal constitutions. Nor should the federal government pursue policies which violate such powers. Yet we find that such is the case today.

The BIA noted in its publication, Statistics Concerning Indian Education for Fiscal Year 1973, that 68.5 percent of Indian children attended public schools.[54] A question which should be asked by Tribal leaders is: why are these children in public schools? One answer is ". . . the Bureau's policy of encouraging public school enrollment of Indian children. . ."[55]

The same publication says that, "It is encouraging to note that the States have assumed responsibility for the education of 128,545 (62.7 percent) school-age children in the States where the Bureau of Indian Affairs has direct educational responsibility."[56]

The above quotes demonstrate that the BIA is pursuing an admitted policy of "termination" of Tribal educational jurisdic tion, in spite of the stated policy of the Administration, Congress and BIA in regard to "Self-Determination for Indian Tribes."

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[54] Fiscal Year 1973, Statistics Concerning Indian Education, U.S. Dept. of the Interior, Bureau of Indian Affairs, Office of Indian Educational Programs, Interior, Haskell Press, 1-74, p. 1.

[55] Ibid., p. 4.

[56] Ibid., p. 2.

A logical application of the policy of Self-Determination would be to encourage the development of Tribal fiscal responsibility to the extent that Tribal jurisdictional responsibility is either exercised or reserved. The fiscal ability of any unit of government is directly related to that unit's economic well-being. Rather than being concerned with "what to do with them" (See, Legislative Study, pp. IV-18) in the sense of federal/state vacillation over jurisdiction of Indians, a clearly obvious policy direction for the federal government in relation to Tribal government would be to provide them with economic aid to promote their economic well-being. Such aid would take the form of "foreign aid" as opposed to the paternalistic administration of programs for Indians as currently practiced by federal agencies. Thus, it would provide technological aid as well as the capital to develop the human and natural resources available to the Tribes. Some Tribes are richer in natural resources than others. This should not make any difference in the pursuit of such a policy except that the amount of aid to poorer Tribes should be prolonged.

Neither state jurisdiction over Indian Tribes nor federal policy which pursues a goal of practical termination of Indian jurisdiction is a tenable alternative for Indian Tribes. Tribal jursidiction can only be attained as a reality when Tribes exercise some measure of fiscal responsibility. Vine Deloria, Jr., succinctly notes: "Realistic Indian control involves the ability of the people to tell their funding sources to go to hell and fund their institutions from their own sources."[57] Mr. Deloria goes on to say that we cannot expect that development in the foreseeable future because contemporary educational institutions have been designed to function in an income-outgo financial manner. The federal government, and particularly the BIA, should perceive their fiscal role as one of exercising responsibility in lieu of Tribal responsibility rather than in lieu of state responsibility. The net result of such a perception would, or should, be to orient federal policy to the fostering of Tribal fiscal responsibility in each and every area that Tribal jurisdiction is maintained or reserved. This would serve an additional function of putting state versus Tribal/federal jurisdictional disputes into the framework of negotiated and/or legislated resolution rather than the somewhat haphazard method represented by case court resolutions. Put very simply, the best way to keep Indian Tribes from losing jurisdiction is for them to be able to exercise jurisdiction.

While it may appear that we have digressed somewhat from a discussion of "School Finance Theories," the above discussion appears to us to center upon issues crucial for policy decisions. The theories that have been put forth for state involvement in education can be applied to Tribal involvement in the sense of Tribal Educational Agencies. The arguments that have been put forth for local educational responsibility can be applied to Tribal Community Educational Agencies. "Equal educational opportunity," "equalization," and minimum standards of instruction, might be real Indian Education issues within such a context or they might not. Given the opportunity to develop educational institutions, Indian communities have the greatest potential for bringing about real educational reform. Concerning the present state of education Kenneth Boulding states:

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[57] Vine Deloria, Jr., Reflections on Contemporary Indian Education, in Indian Education Confronts the Seventies, Ed. Vine Deloria, Jr., Tsaile, Az: Navahoe Community College, 1974, pp. 10,11.

> "One can express modest confidence, however, that any major change in the educational industry will have to be a combination of financial, organizational, and technical changes. Of these it is quite possible that the financial and organizational changes will have to come first. As long as the near-monopoly of the public school system exists intact, substantial technical changes are unlikely to be forthcoming."[58]

Again in a discussion of the effect of different levels of expenditure on ouput of schools, Henry M. Levin notes:

> "For a variety of reasons the schools seem to lack the capacity to deviate from tradition, even when those traditions are failing. Each participant in the process sees himself as a hired hand with little decision-making authority. The school board perceives a very limited role by virtue of the State Education Code, taxpayer

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[58] Ibid., Roe L. Johns, vol. 2, p. 6.

> pressures, student activity, contractual agreements with teachers and administrators, and other obligations. The superintendent must deal with the same forces and with his school board besides. Moreover, the teachers, administrators, and students see their decision-making options truncated severely by all of the other forces. All of these countervailing perceptions result in a form of institutional constipation where no substantive decisions are made or can be made. Thus, the schools are run on the basis of archaic mandates, written and unwritten, which all of the participants have tacitly accepted."59/

This discussion merely attempts to place the question of school finance of Indian Education within the context of Tribal governmental jurisdiction and to suggest that hope for school reform might come from Indian Educational development. It was not intended to develop a legal theory with the appropriate legal citations and case study. The implications of such a theory on policy-making by the federal government are, however, vast. Thus, Tribal governments should be concerned with the development and articulation of such a theory. In summary, then, the principle of primary responsibility for education resting with states must be viewed in the context of state jurisdiction. The principle of primary responsibility for education of Tribal members must be viewed in the context of Tribal jurisdiction.

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[59] Ibid., p. 196.

D. MANAGEMENT IN EDUCATION

What is the role of management in education? Has the educational industry taken into account the current knowledge in the field of management? Do the general principles which apply to the management of business in the exchange economy apply to the management of educational institutions in a grants economy?

Answers to these questions may be subject to dispute. We believe that they are questions that must be asked, moreover if educational institutions are to become "accountable" to local communities as well as to state, Tribal and national legislatures. The principles of sound management must become of greater interest for the educational community.

A Review of Management Theories

Our intent in this section is not to present a single, general theory of management, but rather to paint a picture of the current state of the art in management. We have attempted to accomplish this in two ways; first, by developing a conceptual framework around which the emerging concepts and techniques in management can be formulated, and second, by reviewing some of the relevant literature in the field.

Overview of Basic Management Approaches

Because of the extraordinary interest in management in recent years, there have developed a number of approaches to its study. Their variety and the large number of persons, particulary from universities, who espouse them have resulted in much confusion as to what management is, what management theory and science are, and how management should be studied. One of the experts has called the present situation "the management theory jungle." 1/

Some may believe that it is no more important that there be one approach to management than that there be a single approach to psychology or some other discipline. But no one can doubt that it is important for students and managers to be able to classify and recognize the various patterns of management analysis. Management is a difficult enough field without those in it being forced to face confusion and apparent contradiction.

The body of knowledge on management is very large. We, therefore, found it useful to organize our analysis according to basic management approaches used and accepted by academicians and practitioners--that is, according to the aspect of education being studied, the Congressional question being asked, and the management methods deemed appropriate to answer that question. We indentified seven basic approaches used in analyzing management performance: (1) the operational (management process) approach, (2) the empirical or case approach, (3) the human behavior approach, (4) the social system approach, (5) the decision theory approach,

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[1] Harold Koontz, "The Management Theory Jungle," Journal of the Academy of Management, Vol. 4, No. 3, December, 1961, pp. 174-188.

(6) the communications center approach, and (7) the mathematical approach. In the following summary, we will not attempt to deal with all the nuances of the different patterns of analysis but will merely sketch the theory of each.

The "operational approach" attempts to relate the body of management knowledge to the nature of the management task. Although various first-order classifications of knowledge could be used, it has been found most helpful to utilize managerial functions. It has, therefore, often been called the "management process" school. Management scholars have found that even the newest ideas of management can be placed in this framework. The operational approach regards management as a universally applicable body of knowledge with principles and theory applicable to all types and levels of enterprise. Often referred to, especially by its critics, as "traditional" or "universalist", this school was fathered by Henry Fayol.[2] In summary this approach bases its analysis of management on the fundamental belief that management is an operational process best studied by analyzing managerial functions.

The "empirical approach" analyzes management by a study of experience, sometimes with intent to draw generalizations, but usually merely as a means of transferring knowledge to the student. Typical of this school are those who teach management of "policy" by the study and analysis of cases and by Ernest Dale's "comparative approach."[3] This approach is based upon the premise that through study of the successes and mistakes made by managers in individual cases, and of attempts to solve specific problems, practitioners will somehow come to understand and learn to apply effective techniques in comparable situations. The empiricists are likely to say that in analyzing cases or history they draw from them certain generalizations to be applied as useful guides for future thought or action.

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[2] H. Fayol,: General and Industrial Administration, (London: Sir Isaac Pitman & Sons, Ltd., 1949),

The "human behavior approach" is based on the thesis that since managing involves getting things done with and through people, its study should be centered on interpersonal relations. Variously called the "human relations", "leadership", or "behavorial sciences" approach, this school brings to bear "existing and newly-developed theories, methods and techniques of the relevant social sciences upon the study of inter- and intrapersonal phenomena, ranging fully from the personality dynamics of individuals at one extreme to the relations of cultures at the other."[4] In other words, this approach concentrates on the human aspect of management and the principle that, when people work together to accomplish group objectives, "people should understand people."

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[3] E. Dale, The Great Organizers, (McGraw-Hill Book Company, New York, 1960), pp. 11-28.

[4] Robert Tannenbaum, I. R. Weschler and Fred Massarik, Leadership and Organization: A Behavorial Science Approach (McGraw-Hill Book Company, New York, 1961), p. 401.

The scholars in this area are heavily oriented to individual and social psychology. Their focus is the individual and his motivations as a socio-psychological being. Their emphasis varies from those who see psychology as a necessary part of the manager's job--a tool to help understand and get the best from people by responding to their needs and motivations--to those who use the psychological behavior of individuals and groups as the core of management.

In this school are those who emphasize human relations as an art that the manager should understand and practice.

The "social system approach" is closely related to the human behavior approach and is often confused or intertwined with it. It includes those who look upon management as a "social system," that is, a system of cultural interrelationships. Strongly sociological in flavor, this pattern of management analysis does essentially what any study of sociology does: It describes the cultural relationships of various social groups and attempts to integrate them into a system.

Perhaps the spiritual father of this school of theorists is Chester I. Barnard.5/ In seeking fundamental explanations

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[5] Chester I. Barnard, The Functions of the Executive, (Harvard University Press, Cambridge, Mass., 1938),

of the management process, this thoughtful executive developed a theory of cooperation grounded in the need of the individual to offset, through cooperation, the biological, physical and social limitations affecting him and his environment. The Barnard concept of cooperation pervades the work of many contributors to the social system school of management.

This approach has made many noteworthy contributions to management. The recognition of organized enterprise as a social organism, subject to all the pressures and conflicts of the cultural environment, has been helpful to both theorists and practicing managers.

The "decision theory approach" concentrates on rational decision--the selection,from among possible alternatives, of a course of action. The "decision theory school" is apparently an outgrowth of the theory of consumer's choice with which economists have long been concerned.[6] It has risen out of such economic considerations as utility maximization, indifference curve analysis, marginal utility and economic behavior under risks and uncertainty.

There are those who believe that, since management is charactized by decision-making, the future development of management theory will use the "decision" as its central focus and that the rest of management theory will be hung on this structural center.

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[6] Harold Koontz and Cyril O'Donnell, Principles of Management: An Analysis of Managerial Functions, (McGraw-Hill Book Company, New York, 1972), p. 40.

The "communications center approach", which is closely related to the decision theory approach, is one of looking at the manager as a communications center and building the knowledge of managing around this concept.[7] While this approach is not widely used and is not yet well defined, the manager's role is sometimes seen as that of receiving information, storing and processing it, and disseminating it. As an approach, its real significance is to apply computer technology to managing.

This approach does have some attractions. It emphasizes the role of communication in managing as well as the central importance of decision-making.

The "mathematical approach" consists of those theorists who see management as a system of mathematical models and processes. Perhaps the most widely known of these are the operations researchers or operations analysts, who sometimes call themselves "management scientists." [8] The belief of this group is that if management or organizing or planning or decision-making is a logical process, it can be expressed in mathematical symbols and relationships. The focus of this school is the "model," for through this device the problem is expressed in its basic relationships and in terms of selected goals. This approach is, thus, closely related to the decision theory approach since, particularly in the area of managing, the primary use of mathematics has been to develop various kinds of decision models.

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[7] Ibid., p. 41.

[8] Ibid., P. 41.

Management in Schools

In reviewing the available management literature we were struck by the fact that their is little or no research which sets forth the status of school management.

If we were to adopt the "operational" approach discussed above, we would attempt to analyze management in terms of what managers, project directors and program coordinators actually do. Thus we would consider management as a process of planning, organizing, staffing, directing and controlling the school operation. It appears that a most important element of this whole process is not being given enough attention by school administrators. That element is control which includes the process of feedback to the management so that adjustments can be made to attain educational objectives. Evaluation of the product of education has largely been lacking. We believe that school administration should be concerned with problem-solving. The major problem to be solved deals with providing an education to children in the school. Managers of schools cannot make informed decisions when they are not provided with information about the reality of the classroom and the child's home environment. Educational theories (i.e., motivational, behavorial modification theories, and so on) which set goals imposed by "educators' must give way to the management of schools to achieve objectives set by the students and parents. Basic management practices which include setting of objectives, planning to achieve objectives and changes in organization and staffing as required by feedback from the operational levels must be instituted by school managers.

Research must be instituted to develop management models for school managers. Research must be undertaken to develop the capabilities to measure the educational product. All of the gains in the field of managment technology must be adapted to the management of schools if the goal of accountability in education is to be achieved. Just as there has been an effort to find what constitutes a "good teacher," similar efforts must be undertaken to develop school management technology. The purpose of this review was to gain an insight into the general field of management. Educational research has pointed out that little is known of educational effectiveness. We would argue "a priori" that this is so because of poor management of schools. If school managers applied basic principles of management they would have developed some measure of educational effectiveness. Educational research points out that there is no identifiable goal or aim of education. We would argue "a priori" that this is so because of poor school management. If a manager perceived his function as planning, organizing, staffing, directing and controlling an operation to achieve some goal, he would have sought to identify that goal.

Whatever approach to management is adopted, we believe that schools must be managed by "managers", that is, people who understand the basic principles of management. One need not have a degree in education to manage an educational institution; on the other hand all the educational degrees in the world will not help an individual manage a school if he does not understand and apply basic management principles.

SECTION III: INDIAN EDUCATION PAST, PRESENT AND FUTURE

A. THE HISTORY OF INDIAN EDUCATION IN THE UNITED STATES

In the past few decades a number of treaties have reviewed and reported on the problems that Indian people are confronted with in the areas of education, health and welfare. A number of these reports have been submitted to the Congress of the United States for various legislative purposes. In these we have seen varying philosophies in Indian Affairs in the past, reminiscent of the swing of a pendulum. Our literature review of Indian Education has shown this to be very true; nonetheless, a trend has been well established which provides the legal basis for Indian Education today. What is relevant, of course, is that a basis for Indian Education is relatively confined; but we can also underscore certain eras within a 400-year period as significant for establishing a pattern for Indian Education. The transmittal of Western European educational philosophies, ideas and methods embraces a time period which began with the establishment of European colonialism and which extends to the present. We must view this period as one in which numerous transformations took place in Indian society, transformations which drastically changed the lifestyles of an indigenous people.

As we investigate this transformation, we must maintain two basic tenets of thought. First, the newly discovered continents represented a new source of raw wealth to the European Powers and would thus become the object of competition among Spain, France and England. The indigenous people of this land represented an obstacle to the economic interests of these Powers and would be subjugated by whatever means possible.

Second, Europe was in the midst of religious Reformation and Counter Reformation; "Christian thought" was to become the basis for political subterfuge. To extend political boundaries meant to extend religious influences as well. This would be the basis on which conversion would be applied to native "savages" whom Divine Providence willed to become Christians through the efforts of European missionaries.

Thus economic and religious interests were the basis for early European-Indian relationships, and each world Power cultivated these interests in its own unique fashion. The transmittal of European educational means would become integrated into this process.

Motives for European Entry and Exploration

Early European efforts to find a shorter trade route to Cathay and the East Indies were the basic motive behind Columbus's four voyages and famous "discovery" of the New World. Five years after Columbus's first voyage, John Cabot, sailing under royal orders and financed by Bristol merchants, reached the shores of Newfoundland and went on to Cape Breton before returning home.[1] His commission included the finding of new fishing grounds for the English Crown. Additionally, his commission ". . . authorized him or either of his sons, their heirs or deputies to sail with a fleet in search of islands for Christendom to take possession of the same in the name of the King of England . . . and as vassals to conquer, possess and occupy the same, enjoying for themselves, their heirs and assigns forever, the sole right of trading thither, paying to the King in lieu of customs and imports a fifth of the net profit."[2]

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[1] John Upton Terrell, American Indian Almanac (World Publishing Co., New York, N. Y., 1971).

Exploratory and trading ventures were launched in the following years to the coastal regions of the New World. In 1534 Jacques Cartier, seeking an elusive northern route to the Indies, sailed up the St. Lawrence River to the present site of Montreal. Although his dreams for a new trade route to the East were shattered, he succeeded in opening a waterway to the interior of the New World. This opened an extensive fur trading business with Indians of the interior and would ultimately lead to the development of New France.[3]

Western civilization came to Mexico in 1517 ". . . when Spaniards in three ships under the command of Francisco Hernandez de Cordoba went ashore at Cape Catoche on the northeastern extremity of Yucatan."[4] During the conquest of Mexico the Spaniards were lured to further exploration by rumors of immense "cities of gold" and "secrets of a western coast." This would launch a 300-year period of Spanish colonialism which would change the basic traits of Mexico.[5]

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[2] George W. Manypenny, Our Indian Wards (De Cado Press, New York, 1972), p. 3.

[3] Arthur M. Lower, Canadians in the Making (Longmans, Green and Co., New York, 1958).

[4] Russell C. Ewing, Six Faces of Mexico (University of Arizona Press, 1967), p. 1.

The extent of the wealth of the New World became the basis for the deluge of colonists from Spain, France and England. Additionally, the New World offered refuge from religious persecution which resulted from the Reformation.

The European Entrada into the New World

The Spanish Colonial Era

The importance of the Spanish colonial system can best be seen in its codification of colonial law. Basically, these codes were founded on the tenet of the Crown's right in "church affairs" to all functions except matters of dogma and doctrine. The colonies were the property of the King, and what happened in them was under his eminent domain. This basic principle was the basis of law which would govern trade, commerce and the development of New Spain. Thus, the Spaniards initiated a "land grant" or "treaty" system based upon this premise. This system would become institutionalized through codification and by an extensive practice of making land grants. Treaties would be made extensively at a later date by English and American colonies.[6]

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[5] Carl Sauers, Land and Life (University of California Press, Berkeley, 1963).

The encomienda system, which persisted through the settlement of Sonora and the territories now known as New Mexico, not only subjugated Indian lands, but subjugated Indian people to Christian teachings as well. This system was incorporated in the early colonial period to attract settlers and was used as a reward system for services to the Crown. Although slavery among Indian people was prohibited in the new laws, Indians could be assigned for work to Spaniards under the reparteniento system. These institutions would evolve into the framework for the establishment of Jesuit and Franciscan missions in Mexico and California and the basis of acquiring vast estates and wealth in the New World.[7]

Spanish Missions and Their Role in New Spain. The mission system established in New Spain served to perpetuate the interests of the Crown and to extend its northern territorial holdings throughout northern Mexico and Alta California.

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[6] Ewing, Six Faces, p. 6.

[7] Ewing describes the encomienda as ". . . a trusteeship whereby the conquistador as encomendaro was empowered to collect tribute from the Indians, with the understanding that the Indians must be protected and indoctrinated in the Christian religion." The system was later abolished when it proved to incite Indian people to rebellion. The Rebellion of 1690 led by Popé was a direct result of this system, which had degenerated to cruel and inhumane treatment of Indian people.

The proponents of this system were primarily the Jesuit order (which was expelled from Mexico in 1767 for its strong authoritarian stand) and the Franciscan order.[9] Missions became socially cohesive units in which Christian doctrine was transmitted to alter various forms of Indian life. Spicer refers to the educational process employed by the Jesuit and Franciscan missions as "routine and ritualistic."

> "It was a principle of Jesuit work that children should be the major focus of their doctrinal and ritual instruction. They baptized children without prior instruction, but once they had baptized a child they made it clear that they and the parents were obligated to instruct the child in Christian doctrine. They enforced continued attendance at catechismal instruction with corporal punishment whenever necessary. They set up schools at the church or near it and gathered baptized children for instruction. Here they taught reading, writing and counting in Spanish, although not all Jesuits did so but concentrated on the memorizing of doctrine, daily practice in the prayers, training of a few selected boys as acolytes, and singing of instrumental and sacred music. Many missions had schools; less frequently visitas did also. There was usually an effort to bring a few children into these schools from all settlements close enough to make it practicable.
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> "In addition, higher instruction was promoted, as in seminaries at Navajoa, Torim and Matape in Sonora and Parral in Chihuahua. To these were sent at least two children annually from the various villages within the neighboring rectorates."[10]

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[9] Ewing, Six Faces, p. 19.

[10] Edward H. Spicer, Cycles of Conquest (University of Arizona Press, Tucson, 1962), p. 293.

Spanish missions became a strong force for cultural change. Indeed prohibition of Indian religion was woven into the mission systems. Spicer summarized his account of the Spanish missions with this comparison:

> "The Franciscans in New Mexico generally lived with soldier escorts in Pueblo villages. They rarely became proficient in the use of the Indian languages. They seem to have adopted a policy of much more rigorous prohibition of native ritual, including the use of sacred objects, such as masks, and accordingly were involved in programs of destruction of the native religious objects. It appears also that their disciplinary actions, carried out by themselves or their military companions, were generally harsher than those applied in the south. It would seem clear from a listing only of these major differences that the northern and southern mission communities were very different theaters of culture contact."[11]

The mission system of New Spain served to develop communities in Sonora, Arizona, New Mexico and California by keeping Indian families in intact and cohesive units. The missionaries also provided an Indian labor force for their own perpetuity. The Indian people were treated in the inhumane ways described in the preceding paragraphs. Nevertheless, by missionary standards the Franciscan efforts can be termed successful as evidenced by the prevalence of Catholicism in the Southwestern Indian communities today.

The French Colonial Era

The French influence in the New World began in 1535 and lasted through 1760, when France and Spain ceded all territories east of the Mississippi to England.[12] Fur trading was the principal interest of the French, who discovered trading a rewarding venture. The Church indeed played a major role in the development of New France by extending Catholic French civilization to the colonies.

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[11] Ibid., p. 298.

> "Champlain, himself, brought to Canada members of the Récollect order but it was natural that the immensely successful and powerful Society of Jesus should assume direction of French frontier spiritual activities. The first Jesuits, in fact, landed at Quebec in 1635."[13]

As early as 1632, Jesuits had already established a series of missions among the Huron and Algonquin Tribes which became the theocratic state of Huronia.[14] "By 1700, mission-trading posts covering the whole region of the Great Lakes and the Mississippi Valley and tentacles reaching to the edges of the Plains and northward to the [Hudson] Bay."[15]

New France became a province in 1663 with a government identical to the parliamentary government of its motherland and a population which would swell from 2,000 to around 80,000 within half a century.

Jesuit Missions. Like the Spanish colonial system, the Jesuit missionary effort became intertwined with the political and economic extension of the colonies. They became the primary contacts for fur trading interests, winning the confidence of the Huron and Algonquin Tribes. The Tribes, in turn, permitted the Jesuits to establish missions and thus perpetuate the Christian faith.

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[12] Manypenny, Our Indian Wards, p. 33.

[13] Kenneth McNaught, The History of Canada (Praeger Publishers, 1970), p. 24.

[14] George E. Hyde, Indians of the Woodlands; from prehistoric times to 1725 (University of Oklahoma Press, Norman, 1962).

[15] McNaught, History, p. 32.

Mission schools for Indian students generated financial support from Louis XVI, who "reportedly gave them [the Jesuits] orders to educate the children in the French manner."[16] In speaking of the curriculum in the French Jesuit schools of 1663, Arthur R. M. Lower gives the impression that it included ". . . much Latin, much scholastic philosophy, much theology and some gestures in the direction of literature." The emphasis of Jesuit education was to "turn out men who could speak and write and had good manners."[17]

French colonialism came to an end on September 8, 1760, when the Marquis de Vandrevil signed the capitulation that ceded all territories east of the Mississippi to the British. This ended an era.

English Colonial Era

The establishment of English colonies in the New World was relatively late in comparison to the Spanish and French entry. Yet the principles of dealing with Indian Tribes set a precedent which would later be followed by the United Colonies and the United States. These colonies were to establish the use of treaties with Indian people as instruments for peace, trade alliances and ceding of lands to the colonists.

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[16] Lehman Brightman, An Historical Overview of Indian Education (Indian Education Confronts the Seventies, Navajo Community College, Vol. 1, 1973), p. 22.

[17] Arthur R. M. Lower, Canadians in the Making (Longman, Green and Co., 1958), p. 73.

From 1606 until the Declaration of Independence, English efforts to civilize Indians grew into a combined national-mission effort. Colonial government appropriated funds specifically to this end. The founding of institutions such as Harvard, William and Mary and Dartmouth was likewise to this end.[18/] English colonists and missionaries looked upon education and civilization as inseparable. They formulated programs for Indian people which emphasized this philosophy. The following passage from D'Arcy McNickle reflects the thought during that era:

> "Education, by example, was a favorite method advocated in the English colonies. When Plymouth colony in 1685 settled Indian families on tracts of land the purpose was to teach husbandry, as well as to provide for the inalienability of the land. Similar experiments were carried out with the Mohican Indian settlement at Stockbridge, Massachusetts, and with the Delaware Indians at Brotherton, New Jersey.
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> "An ambitious plan of this nature was proposed by the Countess Huntington and submitted to Patrick Henry soon after the close of the Revolutionary War. She wrote that she

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[18] Brightman, Historical Overview, pp. 29-32.

> had 'long reflected with pain on the condition, both in a religious and civil light, of the Indian nations in North America.' She suggested that a large tract of land be set aside for joint settlement by Indians and 'decent, industrious, religious people, of exemplary lives and manners.' The Indians, seeing their European neighbors enjoy more comfortable ways of living and observing 'their modes of cultivation and their mechanical arts' would be instructed accordingly. The experiment was not attempted, since Virginia had just turned over to the national government its unappropriated western lands in payment of its share of the recently acquired national debt."[19]

By the time that the American colonies had become independent of England, Indians no longer could be considered a threat to their existence. Rather, they had become engulfed by the colonists and merely represented an impediment to the progress and development of the colonies. Discussing what had happened to Indians up to that point:

> ". . . de Tocqueville summarized with excellent insight what had taken place on the continent up to that point. 'The Indians,' he wrote, 'in the little which they have done have unquestionably displayed as much national genius as the peoples of Europe in their greatest undertaking; but nations as well as men require time to learn, whatever may be their intelligence and their zeal. While the savages were endeavoring to civilize themselves, the Europeans soon appropriated to themselves most of the advantages which the natives might have derived from the possession of the soil . . . and the Indians have been required by a competition which they had not the means of sustaining. They were isolated in their own country and their race constituted a little colony of troublesome strangers in the midst

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[19] D'Arcy McNickle, They Came Here First (J. B. Lippincott Co., 1949), p. 168.

of a numerous and dominant people."[20]

American Independence and Indian Education

The rationale was that Indian people, having adopted the Christian lifestyles of their European counterparts, would be stimulated toward more peaceful relations and economic interests with the colonies. Throughout the Eighteenth Century education/civilization was considered the tool for the assimilation and pacification of Indian people. Indeed, the offer of a "formal" education was first tendered Indian people in 1744 after the Treaty of Lancaster was executed. The Chiefs of the Six Nations were offered an education for their sons. The Chiefs deliberated, and declined the offer by stating:

> "Several of our young people were formerly brought up at the colleges of the Northern Provinces; they were instructed in all your sciences; but when they came back to us, they were bad runners; ignorant of every means of living in the woods; unable to bear either cold or hunger; knew neither how to build a cabin, take a deer, or kill an enemy; spoke our language imperfectly; were therefore neither fit for hunters, warriors, or counselors; they were totally good for nothing. We are, however, not the less obliged by your kind offer, though we decline accepting it. If the Gentlemen of Virginia will send us a dozen of their sons, we will take great care of their education, instruct them in all we know and make men of them."[21]

The idea of formal Indian Education was revitalized in the Treaty of 1794 with the Oneida, Stockbridge and Tuscarora Tribes, which included specific education provisions. The education provision stipulated "employment of one or two persons for three years to instruct in the arts of the miller and sawyer."[22] During the period from 1794 to 1871 (when treaty-making ceased) more than 100 treaties with educational provisions were executed. In 1804 the Choctaw and Cherokee Tribes established their own system of tribally operated schools by using annuity funds.[23] From that time until the Indian Removal Act of May 28, 1830, Choctaw and Cherokee Education flourished, with a literacy attainment of more than 90 percent. The Cherokees developed an alphabet and were conducting classes in both the Cherokee and the English languages.[24]

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[20] Ibid., p. 246.

[21] U.S. Solicitor, Department of Interior, Federal Indian Law (2d rev. ed., 1958), p. 238.

That Indian Tribes were recognized and treated as sovereign nations by the European and American colonists stands as a foremost issue in Indian Education. The use of treaties and, more specifically, language that related to education in treaties, became the framework for the first Acts of consequence between the United States and various Indian Tribes.[25]

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[22] Ibid., p. 238.

[23] U.S. Solicitor, Department of Interior, Federal Indian Law (2d rev. ed., 1958), p. 238.

[24] Ibid., p. 238.

> "The Federal Constitution . . . 'gave a clear grant of power to Congress to regulate commerce with foreign nations, among the several states and with the Indians.' Jurist John Marshall upheld the legality as binding and referred to them as 'compacts' between 'two nations or communities having the right of self government.' He went on to state of Indian Tribes that in the management of their own internal concerns they are dependent on no power. They punish offenses under their own laws and in doing so, they are responsible to no earthly tribunal."[26]

Early Congressional Acts of Consequence

Indeed, this regulatory policy for maintaining peace with the Tribes prevailed when, in 1787, the Northwest Ordinance was passed by the Continental Congress. The third section of the Ordinance dealt extensively with education and included the following provisions:

> "The utmost good faith shall be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, right and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice shall from time to time be made, for preventing wrongdoings to them and for preserving

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[25] Henry E. Fritz, The Movement for Indian Assimilation, 1860-1890 (University of Pennsylvania Press, Philadelphia, Pa., 1963).

[26] Fritz, Movement, pp. 34-55. These pages describe missionary activities clearly and concisely, as well as the relationship of missionaries with the federal government.

peace and friendship with them."[27]

The federal government was unable, however, to effectively enforce the guaranteed rights of protection of "lands and property" as prescribed in the Ordinance. Colonists seeking new fertile lands began to encroach upon the protected Indian territory of the Ohio Valley and in the process demanded protection from the United States. The question of "Indians: What shall we do with them?" began to arise in the Congress and, indeed, with due cause. Indian removal was becoming costly, in both lives and dollars. Education/civilization again became the approach to maintain tranquility with the Indians.

With this rationale, Congress appropriated $15,000 on March 30, 1802, for the civilization of the aborigines with a permanent annual appropriation of $10,000 for "introducing among them [the Indians] the habits and arts of civilization."[28] This fund was the basis for supporting educational endeavors along with support from various private (missionary) organizations.

During the period of 1794-1871, a substantial number of Treaties were negotiated between the Tribes and the federal government. These instruments were used primarily to dispossess Indians of their lands by coercion, and established a westward movement of White Americans. Resistance culminated in a federal removal policy during the Jackson and Van Buren administrations, in which a number of eastern Tribes were forcibly removed to the lands west of the Mississippi. The decade following the Act of May 28, 1830,[29] witnessed heartless cruelty and savagery unparalleled in the annals of American history. Perhaps no one can describe the hardship, suffering and sorrow Indian people experienced during removal, which did not end until the "Trail of Tears" in 1838 and 1839.[30]

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[27] U.S. Solicitor, Federal Indian Law, p. 240.

[28] Ibid., p. 239.

The significance of this era is that the federal government's unclearness, uncertainty and indecisiveness with regard to establishing a policy for dealing with Indian people stands evident. The fact also stands that the government could not enforce a consistent Indian policy. The Bureau of Indian Affairs (BIA), originally established under the War Department, was established for the specific purpose of overseeing removal of Indian people.[31] By Act of Congress in 1849, the responsibilities were transferred to the Interior Department.[32] The basic tenet of civilize/educate appeared to be the major policy of the federal government as well as the concern of missionary activities of that era. Following the Indian Removal Act, missionaries of various denominations lobbied extensively within Congress and the Bureau of Indian Affairs for reformed (humane) treatment of Indian people. They maintained that " [once] civilized means of subsistence [provided by the federal government] were supplied, practical Christian teachers could instruct them in agriculture and other arts of civilization."[33]

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[29] Fritz, Movement, pp. 56-108.

[30] Report of the Secretary of the Interior, Sen. Ex. Doc. No. 1, pt. 1, 34th Congress, 1st sess. (1855), as cited in U.S. Solicitor, Department of Interior, Federal Indian Law (2d rev. ed., 1958), p. 561.

[31] 16 U.S. Stat. 319, as cited in Fritz, Movement, p. 76.

[32] Ibid., p. 78.

By 1855 a principal role assumed by the Bureau of Indian Affairs was that of education. It disbursed the proceeds of the civilization fund to sectarian societies, thus launching a struggle among various religious societies for the right of establishing missions and schools on reservation lands. The inconsistent nature of the Bureau of Indian Affairs is witnessed in the manner in which it resolved disputes between religious denominations, confusing the issue by interceding on behalf of one denomination or another. Incessant pressure and bigoted competitiveness on the part of religious interest groups directed action within the Bureau, which seemed to bend in the direction from which the most pressure was exerted. On this basis one missionary society was able to win the concessions for establishing missions and schools on one reservation, while other missionary societies won the right on another.[34]

While the Bureau of Indian Affairs held that the appointment of men of high moral standards was essential in carrying out an honest and fair policy with the Indians, they were not always able to do so. Land speculators and traders lobbied incessantly to win concessions relative to Indian lands and people. The "spoils system" aided in the appointment of unscrupulous Indian agents whose decisions were easily influenced by special interest groups and politicians seeking a return for the agent's appointment.[35]

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[33] Ibid., p. 80-104.

[34] Ibid., p. 104.

The expansion of the nation and the transition from an agrarian society to an industrial society involved a need for more lands. In the process, vast tracts of land that Indians occupied were condensed into small "manageable" reservations in which they were to reside. As this was happening, the issue of "Indians: What shall we do with them?" was never clearly resolved. The answer apparently rested in the civilization/education process.

> "In 1855, the Commissioner of Indian Affairs, George Manypenny, noted that the total expenditures for education among Indian tribes during the ten-year period ending January 1, 1855, exceeded $2,150,000.00. Apparently, only a small portion of this sum was contributed directly by the Government, for the Commissioner's report shows that while $102,107.14 had been furnished by the United States, $824,160.61 had been added from Indian treaty funds, over $400,000.00 had been paid out by Indian nations themselves and $830,000.00 had come from private benevolence."[36]

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[35] Ibid., p. 217.

[36] Report of the Secretary of Interior, Sen. Ex. Doc. No. 1, pt. 1, 34th Cong., 1st sess. (1855), as cited in Cohen, Federal Indian Law, p. 561.

During the Grant administration the question of military supervision was partially answered when Congress enacted a bill "forbidding military personnel to hold civil office."[37] Finding that a number of Indian mission schools were being operated by mission societies, President Grant seemed "well disposed toward the work of the churches":

> "Once Grant allowed the churches extensive official participation in Indian administration, the essential character of the 'Peace Policy' was established. It was strictly administrative policy because Congress had, in effect, responded to the Protestant demand for reform by unloading the whole Indian problem upon the churches. The $2,000,000 appropriation of April 10, 1869, was made for the purpose of keeping peace, of bringing them upon reservations and of encouraging their efforts of self-support. By the law of April 10, the President was empowered to create the [Indian] Commission, but its authority was made as broad as the Indian question. Thus, the Commissioners who were nominated by the Protestant churches were given the assignment of working out the details of a new system. This was a responsibility which the Indian committees of the House and Senate should have assumed."[38]

Thus the Peace Commissioners set out to implement the process of assimilation, which also became the major concern of the federal government. Although repercussions from the Catholic Church resulted as the "Peace Policy" was instituted, the problems were resolved on the basis that contracts would be awarded for the operation of schools on a competitive basis.[39] From 1886-1900 a substantial amount of funds was expended vis-a-vis contracts with religious denominations by the BIA. The practice was brought to an end in 1897:

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[37] 16 U.S. Stat. 319, as cited in Fritz, Movement, p. 76.

[38] Ibid., p. 80.

[39] Ibid., p. 104.

> "In 1897, Congress declared it to be the policy of the government thereafter to make no appropriation whatever for education in any sectarian school. In 1905, contracts were made with mission schools, the money being taken from treaty and trust funds [tribal funds] on request of Indians. This use of tribal funds was challenged as being contrary to the policy stated in the appropriation act of 1897. The Supreme Court held in 1908 that both treaty and trust funds to which the Indians could lay claim as a matter of right were not within the scope of the statute and could be used for sectarian schools.
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> "In 1917, a statute was enacted which provided that 'no appropriation whatever out of the Treasury of the United States' should be used 'for education of Indian children in any sectarian school.' The effect of the newly added phrase 'out of the Treasury of the United States' is not clear. At the present time money is appropriated for the institutional care of Indian children in sectarian schools rather than for their instruction."[40]

Although the Peace Commission was established by law for a one-year period, it was to remain in effect until 1934, when the results of the Meriam Report (which will be discussed) were implemented in the form of the Indian Reorganization Act.[41]

Federal School Systems

Another important development of the era was the development and expansion of a federal non-reservation school system. By condensing Indian lands to small manageable tracts and forcing Indians to live upon them, the federal government continually found it necessary to increase appropriations for their support. By the end of the "Peace Policy" the dilemma of "Indians: What shall we do with them?" was again encountered by the government. Attempts at vocational or agricultural education were dismal failures with Indian people, who had always been nomadic in nature. To keep them on reservations was creating a dependency and sustaining "idleness," a trait contrary to the work ethic of early Americans. In 1878 Commissioner E. A. Hyat estimated that 8,000 Indians could be educated, provided that appropriations and facilities existed to do so.[42]

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[40] Cohen, Federal Indian Law, p. 242.

[41] Act, June 18, 1934, 25 Stat. 476 et seq. (also referred to and cited hereinafter as "The Indian Reorganization Act or IRA).

Captain Richard H. Pratt had begun to educate Indians held in captivity during his assignment to Florida in 1875. Additionally, General Samuel Armstrong proposed the integration of Indians with Negro students at Hampton Normal and Agricultural Institute in Virginia in 1878. Pratt, however, was concerned over inadequate facilities and requisitioned the use of the Army barracks at Carlisle, Pennsylvania, to educate Indian students. The school opened in October, 1879, with an enrollment of 159 students from the Sioux reservation in South Dakota.[43] Additionally, schools at Chemawa, Oregon; Lawrence, Kansas (Haskell Institute); Genoa,

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[42] Brightman, Historical Overview, p. 38.

[43] Fritz, Movement, pp. 164-166.

Nebraska and Chilocco, Oklahoma were to open soon after the opening of Carlisle.[44] The Act of July 31, 1882,[45] ended the problem of funding for off-reservation boarding schools and provided for abandoned military posts to be turned over to the Interior Department to use as federal boarding schools.

Instruction in these schools was primarily to prepare Indian people for assimilation into the White society. The curriculum leaned toward industrial trades and courses such as blacksmithing, wheel making, carpentry, tailoring, etc. were emphasized in the classroom.[46] That the boarding school process of that era was unsuccessful is no wonder since it neither prepared an individual to function in Indian society with these types of skills, nor was the White society ready to accept Indians into theirs. Nevertheless, compulsory attendance was used and enforced by withholding rations and annuity funds. These statutes applied only to the attendance at federal schools as evidenced by legislation enacted in 1893 "which forbade the removal of Indian children without the consent of parents."[47] By this Act it became illegal to withhold rations or use other coercive methods to enforce compulsory attendance, although the use of these methods would continue for a number of years.

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[44] Act, July 31, 1882, 22 Stat. 181.

[45] Act of March 3, 1891, 26 Stat. 989, 1014, 25 USC 284. The Commission of Indian Affairs was authorized to make regulations to enforce attendance by the Act of July 31, 1892, 27 Stat. 120, 143, 25 USC 284.

[46] Fritz, Ibid.

[47] Cohen, Federal Indian Law, p. 241.

The Transformation from Federal Responsibility to State Responsibility

The exact date on which public schools began receiving and educating Indian students is not entirely clear. However, the federal government

> "...began to use public schools for the instruction of Indian children. Individual Indians had attended public schools before, but under the policy adopted in 1800 the Office of Indian Affairs reimbursed public schools for the actual increase in cost incurred by instructing the Indian children. The practice was in accordance with the ultimate plan of the Office of turning over the Indian day schools to the states as soon as white settlers and taxpayers were present in sufficient numbers to justify the establishment of local systems of schools. However, the use of public schools for educating Indian children did not become a common practice until after 1900, when it developed rapidly."[48]

The Meriam Report

From 1900-1926, a number of reports regarding the treatment of Indians stimulated Congressional and public outrage. The reports also led to an undertaking by the Brookings Institute to study the problems of the administration of Indian Affairs and the factors which were directly attributable to the "Indian Problem." The report entitled The Problems of Indian Administration was released in 1928 with startling revelations and recommendations.

The enrollment of Indian students in public schools experienced a significant increase. While it would be difficult to state what caused this phenomenon, one school of thought held that assimilation, the federal government policy, could be hastened in this way. This contention is founded on the premise that, once admitted to a public school, an Indian would be recognized as a citizen of the state. Meriam stated that;

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[48] Ibid., p. 240.

> "...the Indian at present [is] regarded as in the twilight zone between federal and state authority; the state's welfare activities, usually in advance of what the national government is doing for the Indian, are not available for him because he is regarded as 'a ward of the government.'"[49]

Federal policy, then, appears to have been directed at transferring educational responsibility for Indians to the states. Schools in California, Washington and Oklahoma had been accepting Indian enrollments within the states' public schools. These enrollments increased from about 18,000 in 1912 to over 37,000 in 1926.[50] It became evident that the swelling enrollments were invoking a financial burden upon the school districts, and legislation was introduced to provide financial relief.[51] Although this Bill was not enacted, it would be redrafted and enacted eight years later as the Johnson-O'Malley Act.

The Meriam Report of 1928 revealed the inconsistencies of the BIA in administering Indian programs and the general federal policy affecting Indians for the preceding 25 years. The primary areas of investigation contained in the report were: (1) A General Policy for Indian Affairs, (2) Health, (3) Education, (4) General Economic Conditions, (5) Family and Community Life and the Activities of Women, (6) Migrated Indian, (7) The Legal Aspects of the Indian Problem, and (8) The Missionary Activities among the Indian.

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[49] Lewis Meriam, The Problem of Indian Administration, (Brookings Institution, Washington, D. C., 1958) (hereinafter cited as the Meriam Report), p. 415.

[50] The Meriam Report, p. 416.

[51] S. 3020, 69th Congress, 2nd sess. 1926 (commonly referred to as the Swing-Johnson Bill).

The report outlined basic problems that were the result of longstanding practices of uncertain policy implementation within the federal government. It maintained that a number of factors, e.g., staffing, staff competence, training, non-recognition of traditional cultural values (more specifically attempts at assimiliation), were attributable to a decadent federal school system. Routinization was the principle characteristic of decadence along with poor health and a number of other variables. Additionally, the report maintained that problems of learning are not only classroom related but embrace health and general welfare conditions as well. Meriam contended that in order for federal schools to work they had to be upgraded in virtually every variable directly and/or indirectly related to the educational process. In order for schools to become models of excellence it would be requisite that minimal health standards be initiated in schools; adequate recreation and physical education programs were needed to complement the basic three R's type of programs.

Since education was considered by Meriam as a "most fundamental need," he proposed that adult education and community participation become incorporated into the BIA educational program in addition to basic elementary and secondary programs. Adult programs needed to be structured to eliminate illiteracy as well as attempt to reorganize the community social life essential for citizenship training.[52]

Additionally, Meriam reported on the substandard buildings and equipment of government Indian schools. He advocated that new modern facilities be constructed and furnished with new modern school furniture, libraries, laboratory facilities and athletic facilities.

He contended the basic flaw of Indian Education was the administration of Indian Education. The primary contention of the report is that a highly technical staff was needed at the Washington level to assist in the direction and advisement of the BIA. He advocated that the United States Bureau of Education and the BIA work cooperatively to address the critical issues of "health, rural education, industrial training, agricultural education, adult education, primary schooling, secondary education and other fields."[53]

He finalized the section on education by affixing a cost per pupil factor. The report mentioned that the government did not appropriate the funds necessary to sustain an adequate educational program or to allow for on-going self-education. Most of the problems of management could be corrected if the BIA were to employ qualified personnel. Furthermore, a break from the traditional classroom routine that had long been the practice of government Indian schools was needed, as well as an updating of curriculum and materials, and there was a need in the system for community participation in educational programs which affected Indian students. An adequate funding base was needed to help federal schools meet the increasing enrollment needs while meeting the specialized needs of Indian students. The boarding school concept seemed to be the logical answer to Indian educational problems, although the report did give minor attention to public school education and reservation day schools.

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[52] The Meriam Report, pp. 392-425.

[53] Ibid.

The importance of the report is that it forced the federal government to take an evaluative look at the internal make-up of the Indian service. Corruption, mismanagement and indifference that had been a common practice in the preceding decades had forced public outrage and a demand for reforms.[54] The Meriam Report provided the framework in which John Collier could create "New Deal" legislation for Indians.

A New Deal for Indians: The Indian Reorganization Act, Johnson-O'Malley Act and Other Acts of Consequence

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[54] Special Subcommittee on Indian Education, Committee on Labor and Public Welfare, Indian Education: A National Tragedy - A National Challenge (Senate Report No. 501, 91st Congress, 1st sess., 1969), p. 154 [hereinafter cited as the Special Subcommittee Report].

As a result of the Meriam Report, the Indian service under the leadership of John Collier immediately began a process of rectifying the inconsistencies that had occurred up to that point. Hearings conducted during 1929-1930 on the state of affairs and general welfare of Indians were scheduled by the Senate Indian Affairs Subcommittees. One of the major disclosures of these hearings was the fact of cruelty and inhumane treatment of Indian children in federal schools. Additionally, witnesses revealed problems in health, poor housing and sanitary conditions and poverty that existed on Indian reservations. All of these problems were directly attributable to an apparently poor management system and an archaic administration of Indian affairs by the Indian Service of the Interior Department.55/

Thus, one of Collier's immediate priorities was to initiate a federal program that would consistently address the deficiencies involved in Indian reservation life. The stock market crash of 1929 would aid him in implementing his program since Indians were directly affected by "New Deal" legislation of the Roosevelt Administration. Public works project on reservations were initiated under the Public Works Administration (PWA) and the Civilian Conservation Corps (CCC) as authorized by various acts as well as the Emergency Appropriations Act of June 19, 1934.56/ These work programs

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[55] Hearings, Subcommittee on Indian Affairs, 70th Congress, 2nd sess. 1929. Hearings, Subcommittee on Indian Affairs, 71st Congress, 2nd sess., 1930.

[56] Act, June 16, 1933, 48 Stat. 204, March 31, 1933, 48 Stat. 22 and June 19, 1934, 48 Stat. 1056.

are directly responsible for most of the construction of reservation road systems, parks, administrative buildings and schools.

Under Collier, the BIA would also launch "New Deal" programs that had a major impact on Indian Tribes via legislative authorization. The Wheeler-Howard Act, also known as the Indian Reorganization Act (IRA) was passed:

> "To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes."[57]

The major importance of IRA is that it brought an end to allotment; however, it permitted Tribes to formulate business organizations or "Tribal Councils" to transact the business of their respective Tribes. Furthermore, a revolving loan was established to make loans for economic development and repayment would be credited to this revolving fund. Funds were also authorized to pay tuition costs for students in vocational and trade schools as well as for loans to students in colleges.[58]

Other legislative acts during the 1930's were of major consequence to Indian people as well. The Levitt Act allowed waivers of charges for water used for irrigation programs by Indians on reservation lands.[59] This was intended primarily for the development of Indian agricultural projects, also one of Collier's priorities and recommended in the Merian Report.

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[57] June 18, 1934, 25 USC 476 et seq.

[58] Act, 25 USC 486, Sec. 11.

[59] Act, July 1, 1932, 25 USC, Merian Report, pp. 504-508.

Although IRA intentions were significant in formulating a new federal direction, a number of Tribes strongly opposed the passage of this legislation. This opposition was rooted in the land management practice of the BIA. The Meriam Report discussed the feasibility of stock raising and agriculture on reservations as an economic factor. It maintained that overgrazing tended to diminish range efficiency and that measures should be taken to control this factor.[60] As a result, the BIA began a stock reduction and control program, often without an adequate explanation to the Indian stock owners. Horse herds were the immediate target for reduction followed by culling of other livestock deemed useless by BIA inspectors.[61]

Additionally, opposition stemmed from the attempts of reorganizing the Tribal governments as prescribed in the statutes of IRA. A number of the Tribes felt that the conventional (traditional) form of government that had been in existence prior to the IRA was sufficient for their needs. Many leaders felt that the federal government was impinging upon a right of appointing leaders that was bound by tradition and did not desire to relinquish this process.

As a result, a number of Tribes (such as the Navajos and Crows) did not subscribe to the process of reorganization as prescribed by the statutes of the IRA.

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[60] Meriam Report, pp. 504-508.

[61] John Collier, *The Indians of the Americas*.

The Johnson-O'Malley Act

The other major legislative act pertaining to Indians during the Roosevelt Administration was the Johnson-O'Malley Act of 1934.[62] Available legislative history indicates the Act was originally intended to do three things:

1) Meet the rising Indian enrollments in state public schools.
2) Provide for the general health and welfare (including relief of distress) through contracts between the Secretary of the Interior and state and territorial agencies and public schools.
3) To provide agricultural assistance to Tribes.

The Act was amended in 1936 to include state (or political subdivisions thereof), state universities, colleges, schools, or appropriate state or private corporation.[63]

Although legislative history of this amendment is unclear, it is certain that more and more Indians were migrating to reservation border towns, thus creating financial hardships on educational and general welfare agencies of the state. It also appears that the federal government maintained that the assimilation process would be promoted if Indian students were placed in public schools. The Meriam Report's appraisal of Indian education of the 1920's stated;

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[62] Act, April 16, 1934, 48 Stat. 586, amended by Act, June 4, 1936, 49 Stat. 1458, 25 USC 452-456 (hereinafter referred to as JOM).

[63] Act, June 4, 1936, 49 Stat. 1458.

> "For several years the general policy of the Indian service has been directed away from the boarding school for Indian children and toward the public schools and Indian day schools. More Indian children are now in public schools maintained by state or local government than in special Indian schools maintained by the nation."[64]

While this same report influenced the direction that the BIA would take in attempts to make federal boarding schools models of excellence, the public schools continued to receive a large enrollment of Indian students. Many states felt that federal financial assistance was needed to meet this burden of rising enrollments.

Johnson-O'Malley was never specifically intended to be wholly an educational bill, but by long established precedent, public schools used Johnson-O'Malley funds primarily for basic school support. When P. L. 874 became applicable to Indian reservations, Johnson-O'Malley's emphasis changed from basic support to "supplemental" support to meet unmet educational needs of Indian children. In spite of this, public schools continued to use these funds in any fashion that met their fancy.

In 1968, a report of the NAACP Legal Defense and Education Fund documented the misuse of Johnson-O'Malley funds and other funds that were going to public schools for Indian education. It cited that Johnson-O'Malley funds were being used in every conceivable way and not for their intended purpose. Additionally, Johnson-O'Malley's funding was not well known to Indian parents nor were they aware that they could influence its use as documented in the Report.[65]

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[64] The Meriam Report, p. 11.

The report was instrumental in bringing an awareness of Johnson-O'Malley programs and Indian groups brought their concerns for its usage to the Secretary of the Interior through the BIA. Between 1970-1973 twelve draft revisions were submitted to the Secretary for his approval; each was rejected for some technicality. Finally, a new version of the Rules and Regulations was published on August 21, 1974 in the Federal Register.[66] In spite of the positive content of the new regulations, controversy is far from over since many states will need to change their whole approach to Johnson-O'Malley contracting and usage.

The Indian Education Act

In 1969, a Senate Report entitled "Indian Education: A National Tragedy---A National Challenge" citing the historical background, inconsistency and failure associated with Indian education was publsihed by the Special Subcommittee on Indian education.[67] Hearings on this report were scheduled throughout Indian country. The hearings resulted in two massive volumes of statements by Congressmen, Indian leaders, educators, members of the Indian community and special interest groups on the problems associated with Indian education.[68] The subcommittee report was condensed from a massive study on the education of Indian children and resulted in a number of recommendations that would alleviate the problems in Indian education.

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[65] An Even Chance, NAACP Legal Defense and Education Fund, 1971.

[66] Federal Register, Vol. 39, No. 163 (August 21, 1974).

[67] Special Subcommittee Report.

The legislative bill that emerged from these documents dealt only with Indian students in public schools and went through several transactions before enacted as Title IV of P. L. 92-318. In its present form this legislation is intended to:

1) Reach a greater number of Indian students by a broader definition of "Indian".
2) Provide an entitlement to local education agencies (LEA's) for Indian students to meet special supplemental needs. This includes a set-aside of five percentum for non-LEA's (schools operated by Indian corporations).
3) Provide discretionary funds for planning-development and supplementing special innovative educational programs for Indian people.
4) Provide discretionary funds for planning-development and implementing special and innovative adult educational programs.

In addition to the above, the legislation enabled the

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[68] Hearings, Special Subcommittee on Indian Education, Committee on Labor and Public Welfare, U. S. Senate, 91st Congress. 1st sess.

Commissioner of Education to establish within the U. S. Office of Education (USOE) the Office of Indian Education and appoint a Deputy Commissioner of Indian Education. To correspond with this Office the Administration was authorized to appoint a fifteen member National Advisory Council on Indian Education.[69]

Through the implementation of the Act, $18 million was distributed in the form of grants to schools and Indian organizations within the Indian community throughout the United States for the first year. Numerous schools and Indian organizations are now operating education programs through an additional $40 million that was appropriated under Title IV authorization for second year implementation.

Retrogression

One significant factor ended the progressive strides that were made in the BIA under John Collier:

> ". . .lack of funds and what Collier called 'retrogressive policies' during the late 1940's and 1950's undermined and reversed the experimental and innovative policies of the Collier-Beatty period. During the war years, the BIA was moved from Washington, D.C. to Chicago and funds were drastically cut. . ."[70]

House Indian Affairs Committees "called for a return to the policies and practices" which had preceded the Meriam Report.

"The Indian Bureau is tending to place too

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[69] Act, Title IV of P.L. 92-318, 86 Stat. 334-335, 20 USC §§24100 842, 8806-3a, 887c, 119a, 1211a 1221, June 23, 1972.

[70] Special Subcommittee Report, p. 156

> much emphasis on the day school located on the Indian reservation as compared with opportunities afforded Indian children in off-the-reservation boarding schools where they can acquire an education in healthful and cultural surroundings without the handicaps of having to spend their out-of-school hours in tepees, in shacks with dirt floors and no windows, in tents, in wickiups, in hogans, or in surroundings where English is never spoken, where there is a complete lack of furniture, and where there is sometimes an active antagonism or an abysmal indifference to the virtues of education."[71]

Thus,

> "the goal of Indian education should be to make the Indian child a better American rather than to equip him simply to be a better Indian. The goal of our whole Indian program should be in the opinion of your committee, to develop better Indian Americans rather than to perpetuate and develop better American Indians. The present Indian education program tends to operate too much in the direction of perpetuating the Indian as a special status individual rather than preparing him for independent citizenship."[72]

Collier ended his tenure as Commissioner of Indian Affairs in 1945; this would launch a period in which the federal government would strive for total assimilation and enculturation of Indians. Congressional appropriations for Indian affairs was inadequate to sustain many of the programs previously launched in the "1930's." This resulted in the closure of a number of schools in the United States and Alaska. This occurred in spite of the fact that a significant number of Indian students were denied an education by reduction in facilities. Removal programs were proposed for the education and training of Indian people. This was only a warning for Indian people of the termination era which lay in the future.

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[71] Special Subcommittee Report, p. 157

[72] Ibid.

The Termination Policy, 1953-1958

Following the Second World War, the BIA under the direction of Commissioner William Zimmerman, Jr., and under congressional mandate to find a way to reduce federal spending, formulated the basis for termination of services to Indian people. Zimmerman proposed that some Tribes were ready for assimilation based upon the following criteria:

> "The first one was the degrees of acculturation; the second, economic resources and condition of the tribe; third, the willingness of the tribe to be relieved of federal control; and fourth, the willingness of the state to take over."[73]

This provided the basis for establishing a policy that was designed to "terminate" federal services to Indians. Cuts in funding to the BIA had already forced a reduction in services which had reduced the educational efforts of the BIA. As a result the off-reservation boarding school was re-emphasized, and numbers of Indian students were sent to places like Chilloco and Ft. Sill, Oklahoma; Albuquerque, New Mexico; Phoenix, Arizona; Pierre and Flandreau, South Dakota. The closure of reservation schools also resulted in an increased public school enrollment as well as large numbers of Indian students that were without any school at all.[74]

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[73] Ibid., 159.

[74] Ibid., p. 160.

The question of what to do about the "Indian problem" again prevailed at the end of World War II. It was clear that the Congress wanted to reduce spending and was looking at every agency that could be reduced. In 1953, the "termination policy" was formulated in the passage of P. L. 280, which transferred law and order responsibilities to the state, and House Concurrent Resolution 108 that "called for the end of federal supervision of Indians and making them subject to the same laws and entitled to the same privileges as other citizens of the United States."[75/] On this basis two major Tribes -- the Klamaths of Oregon and the Menominees of Wisconsin -- were terminated along with a significant number of smaller Tribes in the United States.[76/]

Termination policy came to an end in 1958 leaving in its wake suspicion and doubt in the minds of Indian people as to what a new federal policy would be. In spite of its ramifications it set the platform for increased Indian awareness and self determination in the 1960's and 70's.

The Impact Aid Laws, Public Law 81-815 and Public Law 81-874

During the termination years two important legislative enactments occurred which directly affected the education of

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[75] Ibid., p. 160.

[76] Report of the Commission on the Rights, Liberties, and Responsibilities of the American Indian, compiled by William A. Brophy and Sophie D. Aberle, The Indian: Americas Unfinished Business, University of Oklahoma, November, 1966. pp. 179-206 [hereinafter cited as the Commission Report.]

Indian students. While these laws will be discussed at length in another section of this report, it is important to note the general trend in educational finance from the 1940's up to 1958.

The World War II and the Korean War eras witnessed an increase in federal and military activities throughout the United States which had a definite impact on school districts' abilities to finance education. Because of the financial burden on public schools, the Lanham Act was passed to equalize the tax load through federal payments. Additionally, this Act would provide the basis for P. L. 81-874 and P. L. 81-815 which would be enacted in 1950. Essentially, these laws are intended to redress public school districts for tax revenues lost by federal activities.[77]

> "Public Law 81-874 authorizes federal financial assistance for school districts on which activities of the federal government have placed a financial burden. Under section 3, school districts may receive assistance for children whose parents either live or work on federal property or both. (Indians who live on federal property and who are unemployed are considered with those who both live and work on federal property.) Payment to the school district is based on the number of 'federally connected' children, and may be utilized by the district as need determines."[78]

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[77] Act, September 30, 1950, 64 Stat. 1100, 20 USC 236-244, (amended by Education Amendments Act of 1974) [hereinafter cited as P. L. 874].

Act, September 23, 1950, ___ Stat. ___ 20 USC 631-647 (amended by Education Amendments Act of 1974) [hereinafter cited as P. L. 815].

[78] David S. Osman, *Major Federal Legislation Affecting Indian Education*, mimeographed paper, Education and Public Welfare Division, March 2, 1971.

Additionally, construction needs were intended to be met by P. L. 81-815 which:

> "...authorizes federal financial assistance for construction by local educational agencies of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased federal activities. Assistance is also authorized for construction of minimum school facilities by local educational agencies for pupils residing on federal property (principally Indian reservation)."[79]

Although the provisions of the Impact Aid Laws excluded Indians in the original passage, public schools with Indian enrollments became eligible through legislative amendment in 1953. The importance of this event is that the intention of the Johnson-O'Malley Act changed from primarily a "basic support" program to a "supplemental" program designed to meet the unique educational needs of Indian children not being met under other federal programs.[80]

The Movement Towards Indian Self-Determination, 1960-1970

To assess the affect of the "Termination Policy" is not within the purview of this report; however, termination set the stage for a new emerging policy within the Kennedy, Johnson and Nixon Administrations. In 1961, the Kennedy Task Force condemned the transfer of law and order of reservation to state jurisdiction as unjust, confusing and ultimately resulting in no law and order for Indians.[81] Additionally, a number of studies pointed out the dismal failure of termination and suggested that federal policy should be to prepare Indians to manage their own affairs. In order to accomplish this, the BIA would need to be reorganized and, as suggested by a number of Indian leaders, this should be done with Indians playing an important role in determining how the BIA should be reorganized.[82]

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[79] Ibid., p. 14.

[80] Special Subcommittee Report, pp. 165-166.

The education of Indian children did not improve significantly in the early years of the decade although a major school construction effort was reducing non-attendance, and special programs as well as adult programs were being initiated within the BIA.[83]

A major boost towards Indian self-government came in the enactment of the Economic Opportunity Act (EOA) of 1964. With its legislative authorization Tribes were able to initiate programs such as community development, home improvement, training programs, Head Start and other programs that directly benefitted Indian people. Most importantly, Indian people exercised complete direction of programs thereby assisting in developing the leadership capability within Tribal structures. Additionally, the nature of the legislation permitted developing demonstration projects such as the Rough Rock Demonstration School and the Navajo Community College. Both projects have proven successful in obtaining legislation for the construction of a new campus at Tsaile, Arizona.

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[81] Special Subcommittee Report, p. 164.

[82] Commission Report, pp. 132-137.

[83] Special Subcommittee Report, pp. 163-170.

The Elementary and Secondary Education Act of 1965

One of the major enactments of "Great Society" legislation during the Johnson Administration was the Elementary and Secondary Education Act (P. L. 89-10).[84] This Act contains provisions for financial assistance to school districts educating children from low income families. The legislation enables school districts to implement a broad range of programs designed to meet the special supplementary needs of "disadvantaged" or "educationally deprived" children. Indian students in federal schools became eligible for Title I programs by a 1967 legislative amendment which authorizes a separate appropriation to go to the Secretary of the Interior. On this basis a number of remedial education programs are administered in federal and public schools for Indian children.

Recent studies have been undertaken by several individuals to assess the effectiveness. One of the most notable of these is a study conducted by Robert H. Havighurst and Estelle Fuchs. One of their contentions is that evaluating these types of activities is difficult since "...objectivity is...hard to achieve because...knowledgeable people believe

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[84] Act, April 11, 1965, 79 Stat. 27, 20 USC 241a et seq.

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that Indians have been mistreated by the dominant Anglo society." On this basis it would be easy to propose solutions to "recognize errors" and "buy its way out" of the situation by money payments.85/ Nevertheless, they maintain that federal programs are not fully addressing the issue of academic achievement of Indian students since factors relative to culture, family and home may be difficult to legislate and often left out of educational programs. "The average Indian family teaches its children valuable attitudes and skills, but conditions of poverty, isolation, non-participation in the urban-industrial society and language differences are conducive to lower performance on the usual measurements of academic achievement."86/

In his discussion, he maintains that nothing is gained by using Title I as a compensatory program within a traditional school environment without taking into account the role of family, community and other realities associated with Indian life. On this basis federal programs have only partially provided that bridge between the Indian world and white society.

Closing Thought

In this historical review of Indian education we have

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[85] Estelle Fuchs and Havighurst, To Live on this Earth: American Indian Education, Doubldy Press, New York, 1973. p. 229.

[86] Ibid., p.300.

pointed out that assimilation became the principle trademark of Indian education. What cannot be described, however, is the traumatic effect of education, loss of lands, and general disorientation of Indians that accompanied this move toward assimilation. During the 1700's-1800's numerous injustices were committed by both non-Indian and Indians alike. The major difference is that injustice, in most instances, was first committed by non-Indians.

The historical analysis, however, was not intended to reiterate historical facts that have been documented elsewhere, but to point out the role that the United States has assumed in educating Indian people. It is clear that educational provisions of treaties were principally pay-offs for the large tracts of land acquired through those treaties and the primary intent was for pacification. The educational process for Indians has moved toward a place in American society by federal precedent rather than commitment. The term "Indian Education" itself is erroneous since assimilation was the basis for its establishment. Today, there are still educators who believe that Indians must relinquish their values in order to be useful in society. They cannot comprehend that Indian values may have much to offer to society or that Indian history is as rich as that of the descendants of European immigrants. This society has been "educated" without learning the truth about Indian people. To many non-Indians, the stereotype (i.e., dirty savages, gut-eaters, lazy, drunken, etc.) will persist forever because of what they "learned" in textbooks and in schools. This is unforgivable. Public Education should be dedicated to teaching truths rather than emphasizing superficial values.

History is clear and it cannot be changed. The only thing that can be done through its analysis is to learn so that knowledgeable decisions can be made for the future and the same mistakes that were made in the past will not be repeated.

B. CONDITIONS TODAY

Socio-economic Characteristics of the American Indian

American Indians have had a significant role in the development of America through contributions that have enhanced the general lifestyle of its inhabitants and by historical as well as philosphical contributions to the American culture. Today, a variety of research projects are being conducted to learn more about their music, education, customs, religion and art. In spite of this, the Indian has remained in the lower socio-economic strata in comparison with his non-Indian counterparts.

The following section is devoted to pinpointing the social and economic characteristics as well as other factors that generally affect the education of Indian children. The importance of doing so rests in the conclusion of recent studies on Indian Education as well as our opinion that the home life of a child indeed affects his education. This means that parental involvement in school activities relates to, or is part of, a child's homelife. The Havighurst study points out that economic factors influence the degree of parental participation in educational affairs.[87/] Thus, these factors had to be taken seriously in formulating conclusions and recommendations for this study.

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[87] Estelle Fuchs, and Robert J. Havighurst, To Live On This Earth: American Indian Education (Doubleday Press, New York, 1973), p.219

Distribution of American Indians

The majority of the American Indians are located in ten states: Alaska (51,528), Arizona (95,812), California (91,019), Montana (27,130), New Mexico (72,788), New York (28,355), North Carolina (44,406), Oklahoma (98,468), South Dakota (32,365), and Washington (33,406).

More than half of the Indian population live in five states: Arizona, California, New Mexico, North Carolina and Oklahoma. Approximately 85 percent live in 18 states scattered throughout the United States. More than 1/4 percent of the population is concentrated in the South. 49 7/10 percent in the western states, 1/5 percent in the North Central region and around five percent in the Northwestern part of the United States.[88]

Population Growth

The first complete census of the American Indians living in the United States was taken in 1890. The total population at that time was 248,253. The population increased to 523,591 in 1960 and to 792,730 in 1970. This makes up less than one percent of the national population.

Between 1960 and 1970 there was an increase in American Indian population of about 44.2 percent in the western region of the United States. The United States census shows that the American Indian population increased by 51 percent during the same period of time. Today, approximately 390,755 Indians live in the western region of the United States. These figures

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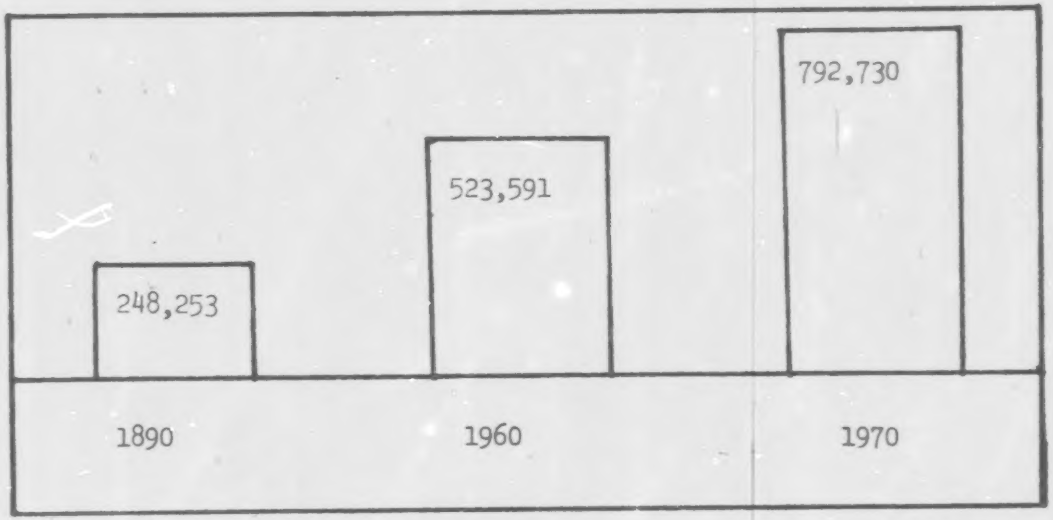
[88] U.S. Department of Commerce, We, The First Americans (Bureau of Census, 1970).

TABLE 1

Population Increase (1890 - 1970)



Source: ERIC - We, The First Americans, Bureau of the Census, 1973 indicate that as with other groups, the Indian population in the western region is migrating from rural to urban areas.

In 1960, less than 1/3 of the Indian population lived in the urban areas and today (1970s) nearly 1/2 reside in the urban setting. Approximately 355,738 or 45 percent live in urban American today. Indians residing in the rural areas make up 436,992 or 55 percent of the total Indian population today.

The Bureau of Indian Affairs (BIA) divided the United States Indian population into 12 administrative areas. Each of these areas are further divided into area agencies.

The 1970 census statistics show 342,300 or 38 percent of the total Indian population reside on or adjacent to federal reservations in 24 states.

About 213,770 or 28 percent of the American Indians reside on 115 major reservations as identified by the census bureau in 1970. Approximately 11,000 Indians reside on state reservations located in Connecticut, Maine, New York, South Carolina, Texas and Virginia. The remainder live on smaller reservations and in the rural areas.

The Navajos, Cherokees, Siouxs, Chippewas, Pueblos, Lumbees, Choctaws, Apaches, Iroquois and Creeks make up the ten largest Indian Tribes in the United States.

About 13 percent of the total Indian population is comprised of the Navajo Tribe totalling over 100,000 in 1970. Approximately nine percent of the American Indians are members of the Cherokee Tribe. The Sioux and the Chippewa each make up about six percent of the total Indian population.

TABLE 2

American Indian Tribes: 10 Largest Indian Tribes - 1970

Navajo	96,743
Cherokee	66,150
Sioux (Dakota)	47,825
Chippewa	41,946
Pueblo	30,971
Lumbee	27,520
Choctaw and Houma	23,562
Apache	22,993
Iroquois	17,004
Creek, Alabama and Coushatta	17,004

Source: ERIC: We, The First Americans, Bureau of the Census, 1973.

TABLE 3

Indian Population By State, 1970

State	Indian Population	State	Indian Population	State	Indian Population
Alabama	2,443	Kentucky	1,531	North Dakota	14,369
Alaska	51,528	Louisiana	5,294	Ohio	6,654
Arizona	95,812	Maine	2,195	Oklahoma	98,468
Arkansas	2,014	Maryland	4,239	Oregon	13,510
California	91,018	Massachusetts	4,475	Pennsylvania	5,533
Colorado	8,836	Michigan	16,854	Rhode Island	1,390
Connecticut	2,222	Minnesota	23,128	South Carolina	2,241
Delaware	656	Mississippi	4,113	South Dakota	32,365
Dist. of Columbia	956	Missouri	5,405	Tennessee	2,276
Florida	6,677	Montana	27,130	Texas	17,957
Georgia	2,347	Nebraska	6,624	Utah	11,273
Hawaii	1,126	Nevada	7,933	Vermont	229
Idaho	6,687	New Hampshire	361	Virginia	4,853
Illinois	11,413	New Jersey	4,706	Washington	33,386
Indiana	3,887	New Mexico	72,788	West Virginia	751
Iowa	2,992	New York	28,355	Wisconsin	18,924
Kansas	8,672	North Carolina	44,406	Wyoming	4,980
				TOTAL	327,982

Source: General Population Characteristics: United States Summary, Bureau of the Census, (1970).

TABLE 4

Estimate of Reservation Indian Population by Age and Sex: March 1972.

Age	Total	Male	Female
All ages	533,750	267,200	266,550
Under 16	237,100	118,500	118,600
16 to 24	98,450	49,200	49,250
25 to 34	63,750	13,750	32,000
35 to 44	50,550	25,151	25,500
45 to 64	59,000	29,750	29,250
65 and over	24,900	12,950	11,950
Median Age (based on rounded figures)	18	18	18

Source: Bureau of Indian Affairs. Memo, March 1972.

TABLE 5

Indian Population By Size of Place and Metropolitan and Non-Metropolitan Residence, 1970.

Size of Place	Indian Total	Indian Male	Indian Female	Total U. S.
Metropolitan and Non-Metropolitan Residence				
Metropolitan	307,867	150,037	157,830	139,418,811
Urban	256,473	124,000	132,473	123,007,271
Central Cities	157,897	75,020	82,877	63,796,943
Other Urban	98,576	48,980	49,596	59,210,328
Rural	51,394	26,037	25,357	16,411,540
Non-Metropolitan	484,863	238,654	246,209	63,793,115
Urban	99,265	47,941	51,324	26,317,659
Rural	385,598	190,713	194,285	37,475,456

Source: General Population Characteristics: United States Summary - PC (1) - B1 U. S. Summary - Bureau of the Census Table 48 (1970).

TABLE 6

Indian Population By Size of Place and Metropolitan and Non-Metropolitan Residence, 1970.

Size of Place	Indian Total	Indian Male	Indian Female	Total U.S.
Urban	355,738	171,941	183,797	141,324,970
Urbanized Areas	241,699	116,276	125,423	118,446,556
Central Cities	158,115	75,157	82,958	63,921,684
Urban Fringe	83,584	41,119	42,465	54,524,882
Other Urban	114,039	55,665	58,374	30,878,364
Places of 10,000 or more	55,600	27,432	28,168	16,618,596
Places of 2500 to 10,000	58,439	28,233	30,206	14,259,768
Rural	436,992	216,750	220,242	53,886,996
Places of 1000 to 2500	39,577	19,083	20,494	6,656,007
Other Rural	397,415	197,667	199,748	47,230,989

Source: General Population Characteristics: United States Summary - PC (1) - B1 U.S. Summary - Bureau of the Census Table 48 (1970).

TABLE 7

Shift of Indian Population From Rural to Urban Areas (1960 - 1970)

Region	1960	1970	Percent Change 1960 - 1970
Northeast	26,356	49,466	87.7
Urban	15,162	35,676	135.3
Rural	11,194	13.790	23.2
Northcentral	98,631	151,287	53.4
Urban	34,303	75,161	191.1
Rural	64,328	76,126	18.3
South	127,568	201,222	57.7
Urban	35,977	92,610	157.4
Rural	91,591	108,612	18.6
West	271,036	390,755	44.2
Urban	60,151	152,291	153.2
Rural	210,885	238,464	13.1

Source: General Population Characteristics: United States Summary, PC (1) - B1 - Table 55 Race By Sex for Region: 1970 and 1960.

Problems Confronting American Indians

The American Indian today is confronted with educational and economic problems which are interrelated in terms of social mobility. Success or failure in either area bears direct consequence on the other. An understanding of the scope and nature of these conditions is essential to resolving problems that adversely affect their economic growth and development. While Indians lag behind most of the nation in terms of social and economic advancement, the key to reversing this pattern is in their ability to control those factors that adversely affect them. Part of the solution lies in the degree of understanding that Congress and the Administration has for their problems. While a number of reports have described the characteristics that generally affect the lives of Indians it is essential to reiterate these conditions.

There are cultural and philosophical differences between the American Indians and the dominant Anglo society. It has been noted by anthropologists and others that American Indians place high values on the present rather than the future. The dominant society values punctuality and considers it essential, whereas the Indian does not. Part of the reason for this is that Indians usually perceive life as being one with nature. Therefore, motivation relates primarily to immediate goals and objectives.

American Indians place a great deal of emphasis on cooperation although some Indian Tribes are highly individualistic and competitive. Many Indian communities today still place sharing and cooperation above individual differences and competition. Therefore, we can say from a cultural perspective, American Indians tend to perceive work and employment much differently than other races in the United States.[89]

Occupational Patterns

There are similarities between the occupational patterns of rural, non-reservation Indians and other rural people. Both populations are mainly in the non-farm occupations. According to the 1970 census, approximately 53 percent of the employed rural Indians and 61 percent of the total employed rural population were in non-farm, non-white collar occupations.

Around 38 percent of both groups were in low skill jobs. A higher percentage of rural Indians were in service work. There were 28 percent of Indians in those occupations. These 1970 census figures reflect the lack of non-farm job opportunities and also the lack of educational attainment for rural Indians.

American Indians are well represented in federal employment, but a large percentage of them are concentrated in the lower grade and wage board levels. These are usually grade levels GS-1 to GS-9.

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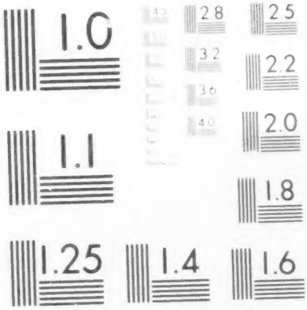
[89] U. S. Department of Commerce, American Indians (Subject Report) (Bureau of the Census, 1970). pp. 86-111.



MICROCOPY RESOLUTION TEST CHART

NATIONAL BUREAU OF STANDARDS-1963-A

Poverty is one of the major problems among American Indians. In 1969, about 40 percent of the Indians were living below the poverty level. The proportion for the total U.S. population in 1969 was only 13.7 percent.

One of the prime reasons for Indian poverty is that much of the land on identified Indian reservations is not productive enough to provide a substantial living for the people it must support through farming (Southwest), stock-raising (Dakotas and neighboring states), and timber production (Northeast and Northwest U.S.). Other reasons for such poverty among the American Indians are the lack of: Industrial and commercial jobs on or near the reservations, i.e.; to start new enterprises; and educational and training facilities to prepare Indians for better paying employment. Indian families tend to be larger than U. S. averages. Furthermore, 1/5 of Indian families were headed by females in 1970. Such single parent households add substantially to Indian poverty.90/

Income and Employment

Unemployment, a major problem, was projected by the Census Bureau as nearly three times the national average in the 1970 census. In 1969, statistics showed that the annual median Indian family income (half of the families earned more and half earned less) was $5,832 compared to $9,590 for the United States population as a whole. Therefore, as the dollars show, for every $100 all American families earned, only $61

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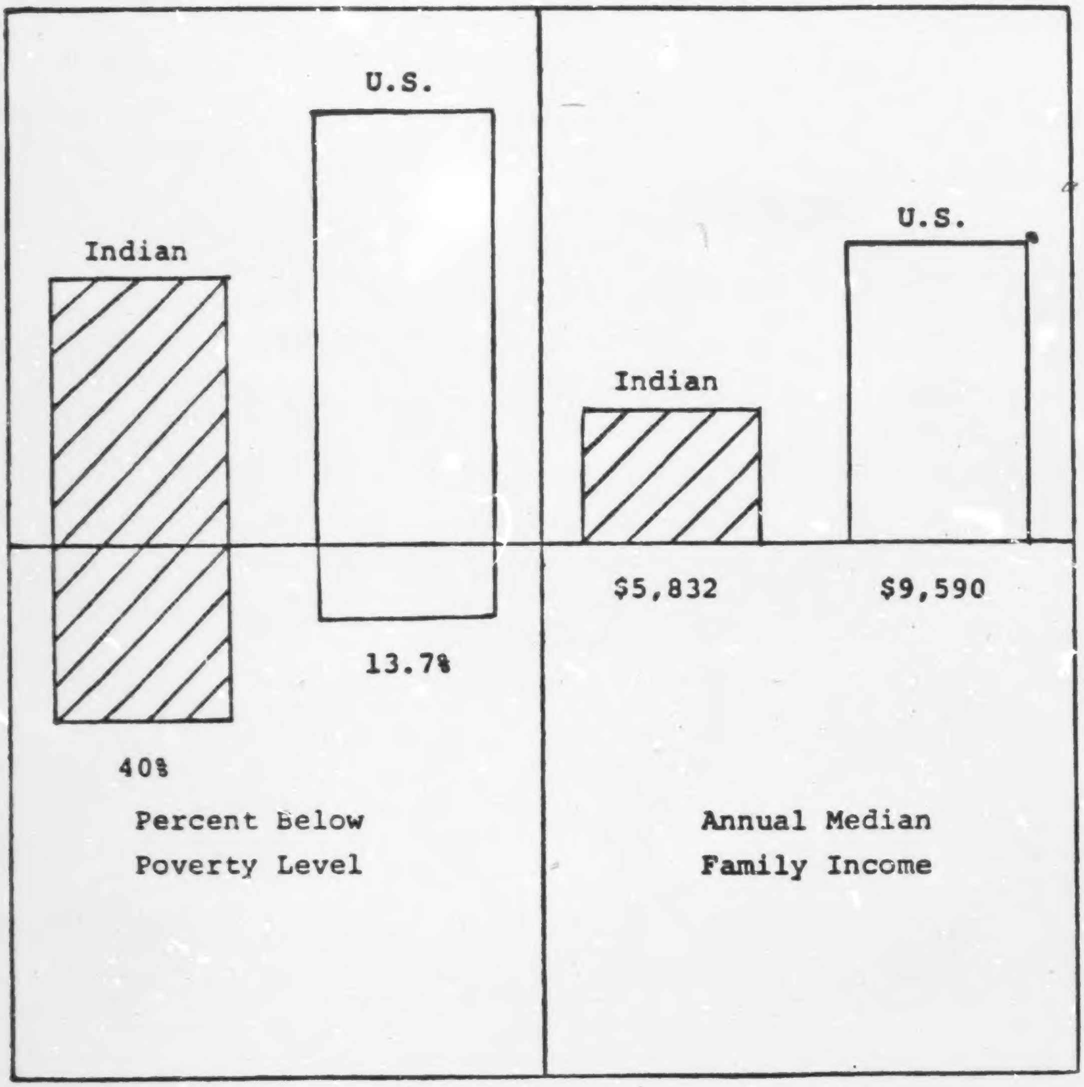
[90] U. S. Department of Commerce, First Americans.

TABLE 8

1969



1. ERIC, We, The First Americans (Bureau of the Census, 1973), pp.

was made by the Indian families.

Nationwide, the annual average per capita income for Indians living on federal land was $1,115.[91]

American Indians residing in the Northwest had the highest median family income of $7,437. The lowest median family income was $5,624 in 1967.

There were wide ranges of Indian family incomes in the urban environment (metropolitan areas) in 1969. In 30 metropolitan areas where at least 2,500 lived, the median family income ranged from a low of $3,389 in Tucson, Arizona to higher than $10,000 in Detroit, Michigan; Chicago, Illinois; and Washington, D. C. This latter figure is higher than the median income figure for all U. S. families in 1969.

The family median income for reservation Indians ranged from a low of $2,500 on the Papago reservation in Arizona to a high of $6,115 on the Laguna reservation in New Mexico in 1969. These figures today are somewhat higher, although reservation incomes are limited due to lack of productive land and industrial or commercial jobs on or near reservations.[92]

Indian Dwellings

Nearly 1/2 of the Indian population in 1970 (49.8 percent) either owned or were buying their own homes in comparison with a rate of 63 percent of the U. S. population as a whole.

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[91] U. S. Department of Commerce, First Americans.

[92] U. S. Department of Interior, BIA Statistics Release, April, 1973, p. 7.

The usual type of quarters occupied by Indian families, in urban areas as well as on reservations was built about 1939 or earlier. Approximately 72 percent of the households have complete plumbing (hot and cold piped water, an indoor toilet and a bath for individual use) in comparison to 92 percent for the average U. S. population.

Based on the 1970 census definition of overcrowded as "more than one person per room", more than 1/4 of the Indian population lives in overcrowded quarters while 1/12 of the total U. S. population lives under the same conditions.

In 1970 around 1/2 of the Indian households owned or had available at least one automobile while about 3/4 of the households in the entire U. S. had at least one automobile available.[93]

Indian Health

The health status of American Indians today is said to be inferior to that of other ethnic groups. We can openly state that this inferior health results from the American Indian's impoverished socio-economic status, limited education, limited and overcrowded housing, poor nutrition, poor sanitary facilities, unsafe water supplies on the reservations and inadequate health services.

As American Indians have been caught between traditional cultures and the demands of the dominant society, the mental health problems have increased. These problems are serious as evidenced by high suicide rates, high rates of alcoholism and increasing emotional and behavioral disorders among Indian children. Mental health problems of American Indians are related to the many stresses brought by the attempts to adjust to values of the dominant society. These stresses have been caused by: lack of opportunity, unfulfilled promises and expectations, existence as a people while trying to maintain their culture, ambivalence of their identities and dependency on the government because they have been forced to depend rather than to play a role in determining their own destinies.

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[93] U. S. Department of Commerce, First Americans.

Nationwide, the Indian population is very young. American Indians today have one of the highest birth rates of any ethnic group in the U. S. Birth rates for Indians are 1.9 times higher than for the general U. S. population. "The 1971 rate of 32.6 live births for each 1,000 Indians and Alaskan Natives is 1.9 times as high as the U. S. All races rate of 17.3".[94] Despite these enormous figures, the life expectancy at birth for American Indians is below that of the United States population. The infant death rate remains high among American Indians having declined from 62.5 to 32.2 infant deaths per 1,000 live births, between 1965 and 1967. The 1970 census shows that the life expectancy for Indians and Alaskan Natives is 64 years as compared to 70 years for the majority of the U. S. population.

American Indians pay local, federal and state taxes on

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[94] U. S. Department of Interior, BIA Statistics Release, April, 1973.

TABLE 9

General Social Characteristics of American Indians

	Total	Urban	Rural Nonfarm	Rural Farm
Social Statistics				
Total population	763,594	340,367	375,822	47,405
Under 18 years old	345,036	135,725	186,637	22,674
Percent of all under 18 years	68.6	66.8	69.5	71.8
Heads of households	181,503	91,672	80,354	9,470
Heads of families	149,122	71,213	69,203	8,706
Female head	27,465	13,641	12,608	1,216
Families By Presence of Children				
Total families	149,122	71,213	69,203	8,706
With own children under 18 years	98,158	45,805	47,000	5,353
With own children under 6 years	55,669	26,188	26,962	2,519
Families with Female Head	27,465	13,641	12,608	1,216
With own children under 18 years	17,978	9,572	7,791	615
With own children under 6 years	8,676	4,557	3,868	251
Women Ever Married				
Age 15 to 24 years	27,370	15,214	11,251	905
Age 25 to 34 years	43,969	22,615	19,543	1,811
Age 35 to 44 years	36,741	17,634	16,880	2,227
Place of Birth				
Total population	760,572	338,985	373,779	47,008
Born in state of residence	545,369	193,610	311,028	40,731
Born in different state	152,991	109,211	34,985	3,795
State of birth not reported	41,092	20,306	18,010	2,776

TABLE 9 (continued)

	Total	Urban	Rural Nonfarm	Rural Farm
School Enrollment				
Total enrolled 3 to 34 years	256,559	103,771	134,963	17,825
Nursery school	4,735	1,680	2,811	244
Public nursery school	3,477	1,058	2,198	221
Kindergarten	15,184	6,404	7,973	807
Public kindergarten	13,634	5,774	7,150	700
Elementary (1-8 grades)	163,996	62,139	90,130	11,727
Elementary public schools	152,836	58,165	83,771	10,900
High school	58,453	22,433	31,280	4,740
Public high school	53,581	20,400	28,881	4,300
College	14,191	11,115	2,769	307
Percent Enrolled 3 to 34 years	52.9	48.5	55.9	60.5
3 and 4 year olds	13.5	11.2	15.4	12.1
5 and 6 year olds	69.7	72.0	68.9	63.1
7 to 13 year olds	95.1	95.9	94.6	94.9
14 to 17 year olds				
Male	87.7	87.1	87.8	90.1
Female	85.9	85.5	85.5	91.0
18 to 24 year olds				
Male	25.9	27.0	24.5	25.9
Female	20.7	21.8	18.5	28.3
25 to 34 year olds	4.4	6.0	2.6	2.7
Years of School Completed				
Total 25 years and older	322,652	153,838	148,798	20,016
No school years completed	24,906	4,078	17,532	3,396
Elementary 8 years	42,226	18,091	21,056	3,079
High school 4 years	71,051	41,349	26,645	3,057

TABLE 9 (continued)

	Total	Urban	Rural Nonfarm	Rural Farm
College 1 to 3 years	24,078	16,564	6,618	896
Four or more years	12,195	9,076	2,727	392
Median	9.8	11.2	8.7	8.4
Percent high school graduates	33.3	43.5	24.2	21.7

Source: Condensation of Table 3: Social Characteristics of the Indian Population By Urban and Rural Residence: 1970 Census of Population, U. S. Census Burea, pp. 18 - 26.

their income just as all other citizens do. Indian citizens however, are exempt from paying taxes where a treaty, agreement or statutes exempt them. Most tax exemptions granted to Indian citizens apply to land held in trust for them and to income from such land.[95]

General Overview of Indian Education

More than half the Indian people between the ages of three and 34 attended school in 1970. At the present time about 95 percent of the Indian children between the age of 7 and 13 years of age are in school. The college enrollment has more than doubled since 1960 and the students are staying longer than in any previous year.

In 1970, 1/3 of the Indian people 25 years of age and older had completed high school. The median years of schooling for Indians in 1970 was 9.8, the same as for the black population. The national median was 12.1 years, and 62.3 percent of the total U. S. population had completed high school. More than one percent of the Indian population in 1970 had one to three years of college training as compared to .4 percent in 1960. One-fourth of Indian males between the ages of 16 and 21 dropped out of school in the early 1970's.

American Indians living in Washington, D. C. ranked above the national average in 1970 in the median number of years completed and in the number of high school graduates.

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[95] U. S. Department of Commerce, First Americans.

Over 44,500 Indian children attend public schools in New Mexico and Arizona. The Indian children enrolled in New Mexico make up 7.5 percent of the public school enrollment and about 4.9 percent in Arizona.

According to the 1970 census statistics the median number of years completed for Blacks was 9.7 years and for Mexican Americans the median number of years completed was nine.

In reviewing the median educational attainment levels for American Indians, two main points should be noted:

(1) The number of years completed by Indians varies with each Tribe. Example: Indians living in the San Felipe and Santa Anna Reservations in New Mexico average only three years, and Indians living in the Colorado River and Fort McDowell Reservations in Arizona average 11 years.

(2) In comparison to other population groups the number of years of school completed is low, but recently the educational attainment level among some Indians living on reservations has been increasing.

Indian Education Comparison

The American Indian, in addition to having a lower educational attainment level than other population groups, averages in performance levels in public schools two or three years below Anglo children.

The Coleman Study of 1966 compared the academic achievement of various racial and ethnic groups in grades 3, 6, 9 and 12. In this study the American Indian child ranked behind whites and Asians in all achievement measures. But they did rank ahead of Mexican Americans, Puerto Ricans and Black students in that order.

HEW re-analyzed the Coleman study using the same data estimating the grade equivalent scores for each population group in grades 6-12 and found that the difference between the performance of American Indians and Anglos widened with each succeeding year. It was most notable in grades 10-12, and the pattern was most pronounced in mathematics and least pronounced in reading. In math, Indians are 2.1 years behind the Anglo students in the 6th grade and 1.4 years below the national norm. At grade 12, Indian students are 2.7 years behind and 2.1 years below the national norm.

A critical stage in the achievement level of Indian students seems to occur between grades 9-12. In grades 10-12 they fall even further behind, and it is obvious that regression is cumulative.

The BIA has the greatest opportunity to bring the educational level of Indians closer to the national average. A study done by the Comptroller General of the U. S. in 1972 recommended that the BIA develop a management information system to assist the program manager with such tasks as assessing students' educational needs, devising strategies for overcoming problems, measuring progress toward stated goals and tooling up for provision of program-oriented financial management reports. Other needs that were identified include improvement of students' English and communications skill, implementation of special education program and professional counseling services, provision of substitute teachers and implementation of testing programs for securing academic aptitude and achievement data. These recommendations and considerations have been presented to the Secretary of the Interior and the Congress.

A study done by Willard P. Bass of the Southwestern Cooperative Educational Lab, Albuquerque, New Mexico, revealed that bordertown dormitory programs, providing Navajo students with experience in attending schools in off-reservation communities with non-Indian children, was evaluated in terms of the success of students, adequacy of dormitory and school facilities and programs, attitudes of students, parents, school personnel and townspeople toward the program and comparative costs of the program and other financial considerations. An interviewing team inspected dormitories, visited classes and interviewed dormitory students (Indian and non-Indian) and staff, townspeople, school superintendents, faculty and board members. A total of 407 domitory students (grades 8-12) and 225 school teachers were interviewed, showing that grade point averages and class rankings are somewhat lower than those of students in other types of schools. Bordertown students generally attend schools with excellent facilities, well-qualified teachers, high scholastic standards, and broad curricular offerings. The average cost of educating a bordertown student was $1921 as compared to $1176 for a BIA student (1970 fiscal year).[96]

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[96] Willard Bass, An Analysis of Academic Achievement of Indian School Students in Federal and Public Schools, (Southwest Cooperative Educational Laboratory, May, 1971), pp. 3-6.

Mr. Bass also prepared "An Analysis of the Academic Achievement of Indian High School Students in Federal and Public Schools." This study was designed to determine whether there were significant differences in academic achievement between senior high Indian students in federal on-reservation, federal off-reservation, public on-reservation and public off-reservation schools. The purpose of the study was to gather a variety of data on psychological and sociological variables and to investigate the achievement relationship of those variables. A sample of students drawn from 21 high schools in seven states was stratified on the basis of sex, grade and geographic area. Tests administered at various times over a four-year period (1966-1970) were: The California Achievement Tests; The California Short-Form test of mental maturity; The Mooney Problem Check List; a questionnaire to obtain personal and familial data; a semantic differential on attitudes; the school interest inventory; the California psychological inventory; the value orientation scale; and the vocational aspiration scale. No reliable differences were noted in terms of achievement among the four types of schools. For the 45 categories for which significant achievement differences among students were registered, rankings were so variable that no hierarchical pattern or evidence of particular superiority or inferiority as to type of school emerged.

Another recent study done by Arthur M. Harkins, Center for Urban and Regional Affairs, Minnesota University, Minneapolis, entitled "Indians and Their Education in Minneapolis and St. Paul, the National Study of American Indian

Education", reported that there appeared to be considerable need in that metropolitan area for: (1) education for newly-arrived Indians; (2) vocational training for high school students; (3) job training for those of high school age; (4) college education for those who qualify; (5) home economics training for housewives; and (6) education as to metropolitan agencies, services and resources.[97]

Dropout Rates

The dropout rate for Indians enrolled in public schools is very high compared to other population groups in the U. S. In a recent study conducted by the Southwestern Cooperative Educational Laboratory it was reported that American Indian students' nationwide drop out rate from grades 9-12 was 30.6 percent. The figure for all students in these grades is 22.7 percent. The overall dropout rate for Indian students is 42 percent.[98]

There Is No One System

Each of the Indian school programs operates within and is responsible to its own organizational structure and not to the people who are most directly affected. Although various agencies have made cooperative gestures with each other, no consistent policies or common goals have been established.

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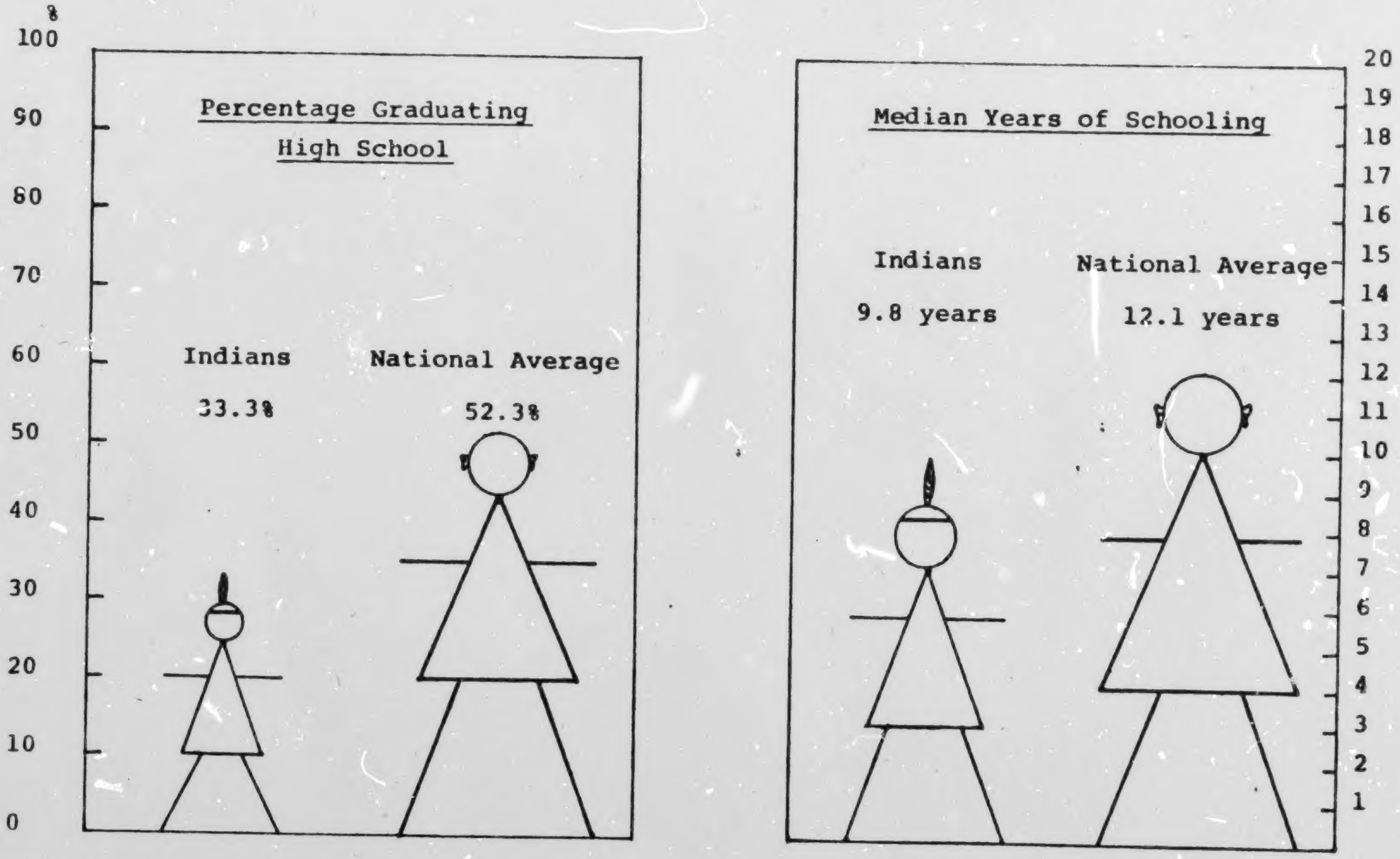
[97] Arthur Harkins, Indians and Their Education in Minneapolis and St. Paul, The National Study of American Indian Education, Minnesota University, Minneapolis, 1970.

[98] U. S. Department of Interior, BIA Statistics, 1973, p. 7.

TABLE 10


%
100
90
80
70
60
50
40
30
20
10
0
Percentage Graduating High School
Indians
33.3%
National Average
52.3%
Median Years of Schooling
Indians
9.8 years
National Average
12.1 years
20
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Thus the end result is the present series of fragmented educational efforts with no common framework oriented to, or directly responsive to, the unique educational need of the Indian people.

Mission Schools

There are many different religious groups operating school programs for Indian children throughout the U. S. Each church group is responsible to its own religious organization for defining its school program. Policies, procedures, curriculum, pupil expenditures, teacher standards, and overall quality of educational services vary greatly from one mission school program to another. If the same church group operates more than one school program, policies may be similar for those schools but completely unrelated to any other church group's school program.

Federal Schools

Federal schools operated by the BIA range from Alaska to Florida. There are 199 federally-operated schools which serve approximately 51,000 children of Native Alaskans and federally recognized Tribes. One-fourth of all Indian students (270,000) attend federal schools at the present time. The BIA operates 70 boarding schools and 121 day schools on and off Indian reservations; more than 50,000 Indian children attend these federal schools.[99]

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[99] U. S. Department of Interior, BIA Statistics, p. 8.

Community-Controlled Schools

There are twelve community-controlled schools on various Indian Reservations in the U. S. These incorporated schools are Indian controlled and operated. They were started under special contract arrangements with the BIA and approved by Indian Tribal Organizations. Each of these recently organized schools has its own school board which establishes the policies, procedures, and standards. While each of the Indian controlled schools shares common goals and a similar organizational structure, each is a separate entity and is responsible to its own governing board and community. In addition, these schools have certain responsiblities to the BIA in terms of specific contract agreements.

Public (or State) Schools

Today 68.5 percent of all Indian students attend public schools. Of these students, 128,545 are recognized by the BIA as having a federally-recognized status (i.e., member of federally-recognized Tribes) and eligible for BIA assistance.[100]

Today, there is reason for Indian Tribes throughout the nation to contract with federal, state and private organizations to administer funds so that they can select the kinds of programs that will best meet the needs of Indian students. The article, "A National Tragedy," described in the 1969 report of the Special Senate Subcommittee on Indian Education examines a basic problem. The BIA does not adequately support Indian self-determination, especially in education.[101]

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[100] U.S. Department of Interior, Statistics Concerning Indian Education, (Bureau of Indian Affairs, 1973), pp. 1-2.

Current Trends in Indian Education

The BIA is responsible to provide technical and administrative assistance needed and desired by the American Indian people.

There are two major concerns within the BIA Division of Education: (1) Indian Education should relate to the Indians; (2) the education being received by Indian people should prepare them for advance educational work in both professional and vocational areas.

Indian Participation

In the past, schools attended by Indian children have been white-oriented because they have been directed by white administrators. In the past few years, this has begun to change in accordance with the Nixon Administration's policy of Indian self-determination. Because of this policy many Indian Tribes can now operate their own schools with funding provided by the BIA under contract arrangment.

In the 1972-73 academic school year, there were twelve schools which were operated by Tribal groups. It is anticipated by Indian and many non-Indian educators that in the future other BIA schools will be turned over to Tribal control.

Before a Tribe can contract to operate its own school, it must have a parent referendum indicating the community's desire to operate its own school and also a Tribal Council resolution which supports the referendum.

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[101] Special Subcommittee Report.

Although the BIA has provided training programs, the formation of the Coalition of Indian Controlled School Boards by Indian advisory boards and education committees has evidenced the need for training more responsive to needs. The Coalition members assist one another to gain Indian control of school operations by providing technical assistance.

The Secretary of Interior has the ultimate responsibility for the operation of these schools. Therefore he or the people representing him must have the authority to decide on policy and operations and the hiring of personnel.

The BIA has contracted out to various Tribal groups certain components of the education programs such as: (1) Summer programs that are operated in conjunction with BIA education program; (2) one-fourth of the Elementary and Secondary Education Act Title Programs: (3) The administration of Johnson-O'Malley public school assistance funds in the states of North Dakota, South Dakota, New Mexico and Nebraska.

In addition to the above listed programs, four Tribal groups, the Navajo Tribal Council, the All-Indian Pueblo Council, the Omaha Tribe and the Tlinglit-Haida Council in Alaska have contracted more than $15 million with the BIA to administer the Bureau's Higher Education

Assistance Program for their particular Tribes.

A new development in 1970 is the creation of the following Indian-operated community colleges: (1) Navajo Community College; (2) Standing Rock College Center; (3) Hehaka Sapa College at D. Q. University; (4) Lakota Higher Education Center; (5) Sinte Gleska Community College: (6) Turtle Mountain Community College; (7) Cheyenne River Community College; (8) Sisseton-Wahpeton Community College and (9) Satellite Community College of the Omaha, Santee and Winnebago Tribes of Nebraska.

Beginning with the 1970's many Indian communities are gaining more influence in the public school system. Although the BIA requires all schools that receive Johnson-O'Malley funds to have Indian Education committees to help plan, develop and monitor their programs, in some cases the state agencies still have so much control over the monies being allocated to them that there are either no existing education committees or they have no actual participation in the implementation of programs. According to the BIA there were only 80 public schools receiving Johnson-O'Malley funds which have boards that were predominantly Indians. This condition is now being minimized by the development of professional Indian educators capable of assuming leadership roles in the schools.

Limitations of Census Information

In compiling the foregoing socio-economic characteristics on Indians we relied primarily on the 1970 information compiled by the Bureau of the Census, U.S. Department of Commerce which may be the only source available. We believe that the 1970 census is both inadequate and inaccurate as it regards the Indian population. This belief is based on ACKCO personnel's direct observation of the 1970 census procedures on the Pine Ridge and Rosebud Reservations in South Dakota and the Hopi and Navajo Reservations in Arizona. Census questionnaires were administered primarily by individuals without proper training or supervision. Tribal program officials estimated that 20 to 25 percent of the Indian population on reservations was not included in the census data.

We have reason to believe that the urban Indian population figures are also inaccurate. Urban Indian Centers contend that the general needs of the urban Indian are much larger than the census information projects; many of these centers have undertaken efforts to identify the number of Indians in the cities.

We must conclude that an accurate profile of the Indian community is needed for planning purposes. This is evidenced by the variances that exist in statistical information used by the different federal agencies providing services to Indian people. To compile such a profile would require that instruments, which take into account all socio-economic factors, be designed for this purpose. These should include an inventory of the total resources (both natural and human) that are available on the various reservations.

Additionally, some index or formula needs to be designed so that information can be updated as accurately as possible. In addition, the statistical profile of Indian socio-economic characteristics should be built upon units of Tribal government as opposed to the present census data practice which is built upon states, counties and municipalities. The Tribal governmental unit as the base structure for compiling such data is dictated by the fact of Tribal jurisdiction over such geographical areas. Resources should be provided for a national effort to compile an up-to-date socio-economic profile of the Indian community. The effort should be implemented utilizing the appropriate technology with input from Tribal governments and national Indian interest groups.

In spite of the limitations of current data there is sufficient information to identify grave educational needs in the Indian community.

C. THE FUTURE OF INDIAN EDUCATION

Indian Education is based on principles found in treaties, statutes and precedents established with the various federal agencies which date back to 1802. Throughout this period, however, the basic philosophy for the education of Indian people has been assimilation. In its very beginning the role of the BIA was to oversee the removal policies and not necessarily to initiate a federal school system nor to engage extensively in the educational process of Indians with any state. Rather, education was viewed as a tool for pacification and its primary approach was to instill agricultural and industrial skills that would speed up the process of assimilation.

Assimilation as an objective of Indian Education still prevails in varying degrees throughout federal, state and local agencies educating Indian people. However, just as in Collier's time, Indians themselves view education as a key to their survival and are beginning to play a significant role in developing relevant programs based upon their needs. Perhaps an evolutionary formulation of an Indian philosophy for education will replace one that has always been foreign to them.

The emergence of local Indian control of their schools can become the precipitating force behind this development. Through its mechanisms Indians are beginning to exercise higher degrees of vocalization within their educational community. While this movement is in an evolutionary state, it represents one of the exciting developments in the Indian world and may establish the platform for Indian Education in the future.

The concept of local control has not been well received by BIA officials. Through interpretation of policy, bureaucrats have placed great obstacles in the way of Indian communities seeking local control (see appendix 5). Former President Nixon's self-determination policy and the passage and implementation of the Indian Education Act have contributed to the development of Indian controlled educational institutions. Indian communities wishing to assume control of schools or of educational programs have formed national coalitions in order to overcome bureaucratic opposition to the self-determination policy. The struggle against bureaucratic opposition has had a positive effect on developing skills within the Indian community. The development of American Indian Educational Technology may have a positive impact on the general American educational community. What remains to be seen is whether or not Indian Educational systems will be allowed to develop organically, that is from within the Indian community with a minimum of interference or subjection from federal or state agencies. Tribal governments hold a key role in the future development of Indian Education. But again the exercise of that key role depends upon the resolution of jurisdictional issues between Tribal governments, states and the federal government.

The issue of Indian Education cannot be discussed without addressing other factors within society that directly relate to various aspects of Indian life and culture. Through exposure to an alien culture Indians have been forced into a "future shock" condition dating back 150 years. This has resulted in an intense social disorientation that persists to the present. National economic conditions and goals place Indian people in a precarious position in relation to land and resources. In order to protect these natural commodities, Tribes will need to reassess their internal management potential and begin to look at education attuned to overall national developments.

An Economist's Viewpoint

Kenneth E. Boulding describes education as a "peculiar commodity" that occupies approximately 7 percent of the gross national product. Thus education has become an "industry," proportionately larger in fact than the agriculture industry. Yet it is difficult to measure an educational product. Boulding states:

> "Part of the difficulty of viewing education as an industry is that to the learner, a very large part of the value of new knowledge, acquired in formal education and in the classroom, arises from its usefulness in passing examinations. Thus the very device which is used to test the value of new knowledge also creates that value. This is a little bit like the problem we face with some commodities, where the evaluation of the commodity itself is a function of its high price."102/

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[102] Kenneth E. Boulding, "Factors Affecting the Future Demand for Education," National Educational Finance Project, Gainesville, Florida, 1970.

Boulding contends that while agricultural productivity has increased twenty percent in the last hundred years, educational productivity has not shown any increase within the same time span. Productivity depends upon methods of finance, organization and technology.

> "A change in this method of finance to one which subsidizes the students rather than the school might indeed set off drastic changes in the organization of the whole industry."[103]

A change in method of finance would result in organizational change which in turn would affect the technology of education. Yet the present system of finance which places education within a grant type economy appears unlikely to change. The quality of a particular commodity in an exchange economy is affected by feedback from the consumer. The shorter life of a commodity, the easier it becomes for rapid feedback from "purchase error." This is not so with education. Boulding states that,

> "Education is a commodity which suffers almost every conceivable handicap when it comes to the correction of error and the evaluation of results. Its product has a very long life. All the wrong things we learned in school usually stay with us the rest of our lives. The product of formal education has a life expectancy of some sixty years...Education is mainly purchased for children and students either by their parents, the church, or the state or some other agency which is acting on their behalf. Under these circumstances the feedback, especially unfavorable evaluations from the student, is regarded as a mark of ingratitude, is discouraged, and very rarely results in much of a learning process on the part of those who pay for the education.

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[103] Ibid., p. 26.

> Here then is the ultimate paradox that the knowledge industry is precisely the one in which it is hardest to learn anything about success or failure."[104]

We have seen the evolution of an educational process that is subject to fads or fashions in which the measurement of the product is distorted or valued more by others than by their payor. The measure of success is based on achievement of imaginary products and teachers define behavioral objectives which are more comfortable for themselves. Mismatched signals are often used to change information input rather than project a realistic image of the world.

> "An obvious surrogate measure is time spent in being educated, hours of classroom attendance or years of schooling. Knowledge gained, it is hoped, is linearly related to the application of the seat of the pants to the seat of the classroom chair. The defects of this measure are all too easy to state. What many children learn in the classroom is knowledge which, no matter what its truth, has a highly negative value, that is, that they cannot speak good English or do algebra and that they are condemned to the lower class of life. Other children, by contrast, especially those in the more prestigious schools, learn that they are somebody, that they can succeed in almost anything that they really want to apply themselves to, and that if they fail it is because they have chosen to fail rather than because they are failures. Knowledge about personal identity, to which, of course, the whole knowledge industry contributes, is peculiarly significant in formal education."[105]

We can expect to see a reversal of this as society seeks to place more emphasis on human or philosophical rather than technological values. Experimentation in various educational models will increase, and the concept of a "mosaic society" --i.e., different subcultures living together-- will have an influence in the classroom.

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[104] Ibid., pp. 8-9.

[105] Kenneth L. Boulding, National Education Finance Project, Volume II, 1974, p. 7.

Another factor which will have a significant influence on education is the amount of education a parent may have received in his youth. Those who have been deprived of education in their youth may make strong demands for the education of their children. Others who have received their education gratuitiously may not have the same motivation.

The current pressures on education systems will lessen as the national population stabilizes and begins to decrease. This will also result in the reduction in college attendance and an oversupply of college professors, creating a need for retraining this group.

We can expect to see a redistribution of the educational income as various social groups begin to influence educational hierarchy toward an integrated society. Additionally, we can expect to see increased demands and a movement toward moral integrity which will definitely affect the school systems.

All of these changes will exert pressure on existing educational structures, yet any major change in the education industry will have to be a combination of financial, organizational and technical changes in the public schools.

> "As long as the near-monopoly of the public school system exists intact, substantial technical changes are unlikely to be forthcoming. A very tantalizing question for the future is the mixture of public and private enterprise in the educational industry. It is easy to underestimate the size of the private sector even now,

> especially if we include the kind of training programs which go on in industry outside the formal educational system. These fall more in the category of adult education and have a very different set of problems from the education of children and young people. A change in methods of finance to one which subsidizes the student rather than the school might indeed set off drastic changes in the organization of the whole industry. This seems unlikely in the next ten years. About the only conclusion we can safely draw from this discussion is that the future of the educational industry in regard to its structure, if not perhaps in regard to its overall size, is highly uncertain. It may look very different in ten or twenty years or it may look much the same as now. This may be a somewhat depressing conclusion, but honesty demands it."106/

The preceding discussion seems to point to an increasingly important position of Indian Education in the future of education as a whole. Changes in method of finance, organization and educational technology would seem to be most easily achieved in the world of Indian Education.

Future Considerations for the Indian Community

The financial support for Indian Education comes primarily from the federal government, by way of a "grants economy." A "grants economy" according to Boulding depends upon two basic motivations - benevolence and fear.107/ We can

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[106] Kenneth L. Boulding, National Education Finance Project, Volume II, 1974, p. 26.

[107] Boulding defines a grants economy as "a way of transfer in which A gives B something which is exchangeable, but B does not give A anything that is exchangeable even though he may give A certain psychological satisfactions that are not strictly, however, a part of the economy."

generally conclude that Indian people will never have the power to represent a national threat (although they can and have become a local threat), thus must presently rely on the benevolence of Congress to support educational efforts. Boulding contends that the general benevolence level remains relatively stable and thus the national budget which goes into the "grants economy" remains relatively stable. Yet, funding priorities can and will change. This places the funding for Indian Education in a rather awkward position since it may or may not always enjoy the favorable status that now exists within Congress. Since this is so unpredictable, Indian people will need to continue their efforts to keep Indian educational and economic needs visible in Congress. In order to offset a possible diminishing financial effort of the federal government in financing Indian Education, Tribal governments will be exploring avenues of Tribal support for Tribal Indian Educational Agencies. What could develop within Tribal structures is a sophistication of government which assumes a more responsible role for financing the education of Indian people. (See Section II-C). Yet this development is contingent upon the development of Tribal economy. Again, the Indian Tribes must rely on the benevolence of a "grants economy" to stimulate as well as subsidize the economy of the Tribal jurisdiction. The potential role of education in developing an economic base within Tribal jurisdictions can be appreciated by comparing the percentage of dollars which flow through a tribal jurisdiction for education with all the other monies that pass through. While we do not have the data to make such a comparison, the percentage of the BIA's budget which is designated for education is a good indicator. Almost half of the total BIA budget is designated for education. Indian Tribes will be looking for ways to use the education "industry" which probably constitutes well over one half of what might be called a GNP of Tribal jurisdictions to stimulate and subsidize the development of an integrated exchange economy within Tribal jurisdictions. Indian Tribes will also be exploring ways to consolidate the economic power base which comes from the ownership of Tribal lands and resources.

As we discuss the future of Indian Education, the growing concern regarding the national economic condition will become very important in determining the direction that educational processes will take. The nation's ability to meet its demand for natural commodities (e.g., fossil fuels, timber, grasslands, food, etc.) will determine the external pressures that will be placed upon Tribes for their land. This will also establish the type of planning, control and management expertise that will be needed within Tribal government.

While we can see a stabilization of population for the nation in general, we must point out that population growth for Indians is 1.9 times higher than the United States as a whole.[108]

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[108] U.S. Department of Interior, BIA Statistics Release Bureau of Indian Affairs, April, 1973, p. 7.

We cannot determine what effects birth control programs have had on the Indian population because data doesn't exist. We can indicate, however, that most Indian people have a high regard for children which may indirectly influence attitudes regarding birth control. On this basis we can generally conclude that population growth for Indians will remain above the national rate for several years to come.

It is possible to conceive of the development of Tribal educational agencies to oversee the development of community schools to meet the educational demands that will exist on Indian reservations.

To permit this, the role of the BIA must change; leadership from within the Indian community will need to exercise a stronger voice in shaping its own systems. The role visualized within the BIA is for a stronger commitment to assist the Indian community in developing Indian leadership. Technicians in the areas of political science, economics, management and resource development, as well as education, must work with the human resources in the Indian community to shape the institutions needed by the Indian community. In discussing the development of these systems the role of legislators will be an important one. They will need to allocate sufficient resources to provide technical assistance in the form of existing Indian technical assistance agencies (e.g., the Coalition of Indian Controlled School Boards, the National Indian Education Association, Indian community colleges, Tribal education agencies and other appropriate Indian institutions). Additionally the federal agencies must be examined and restructured to provide the most efficacious development of Indian controlled institutions. Tribes will play an important role by establishing educational goals and standards in the same manner as state education agencies. This can permit interaction between Tribal government and the Indian community, thus strengthening one aspect of Tribal self-government. Indian communities will make decisions in determining their own educational goals without the polarizing effect that results from government and community imbalance. The real value in this system results in the use of talented people in the Indian community. Indians will thus have a platform to demonstrate their creativity. In traditional societies every person was able to find a productive role which allowed him to develop his full potential as a human being; this must be reinstilled in contemporary and future Tribal systems to provide a totally integrated society.

There is a great need for community support and involvement in school affairs today and this need is acute in situations where cultural and economic differences exist between the school and the parent. Recently, increasing emphasis has been placed by many Indian Tribes on involvement in all Indian affairs. Many Tribes, in cooperation with the BIA, have expended extensive efforts in organizing formal school boards and in training school board members and school administrators to enhance community involvement.

There is a great need to provide analysis of these efforts and to point out the direction for future emphasis. If Indian parents are alienated or isolated from the opportunity to be involved in their children's education, this needs to be pointed out so that corrective actions may be taken. If a meaningful relationship can be established to bridge the geographic, cultural and economic barriers that exist between the Indian home and the school environment, the distance between the learning patterns of the student and the teaching methods of the school personnel will be reduced.

Interest in the American Indian is being shown in many publications, by the holding of Congressional meetings and through actions of Congress, Office of Education, HEW, and the BIA. An understanding of the Indian can be gained through his culture, including his literature, art, legends and music. It can also be found in Indian newspapers, magazines and journals. If the dominant society is to educate Indians then its members must acquaint themselves with Indian culture and find instructional materials that are relevant to the Indian population. A knowledge of Indian environment, values and customs is needed to provide effective Indian Education.

Education is not just classrooms, school buildings and teachers but demographic factors such as economic status which definitely must be improved. The BIA is not at the present equipped to handle statistical research; therefore, more effort in this direction is needed. There is no lack of desire by the Indian people to improve Indian Education, only a lack of opportunity.

In discussing future goals, special emphasis must include the bilingual needs of the Indian community. Indians do not always share the same linguistic or cultural commonalities for developing a single bilingual format. Rather, a number of these factors, as found in the Indian community, will require different and varying educational formats. Bilingual educators will come directly from the Indian community through programs designed by Indians.

Adult programs will continue to be a major priority on Indian reservations concurrent with the economic planning of the Tribes. Emphasis will be placed on developing human resources in vocational areas that are compatible to their own environments. A gradual trend will develop on reservations for Indian people to control their own economic interests. Practices of leasing of lands to non-Tribal interests will cease as the need of land for Tribal use increases. Indian-owned merchandising and manufacturing industries on Indian reservations will be given strong consideration to meet the increased financial demands of the reservation population. Again, legislation or structural reform of federal bureaucracies is needed to permit this growth. Training programs should prepare individuals to adapt their profession or vocation according to the trends that occur in the nation or in the Tribe.

Increased attention will be given to language development, reservation preschool programs and programs with specific Tribal historical significance. Additionally, we can expect to see programs that place high emphasis on traditional economy and the relationship between economic self-sufficiency, economic mobility and education.

Indian educators will also focus their attention on the urban Indian community and the needs associated with urban problems of Indian people. It is doubtful whether a stabilized urban community will develop since Indian people continue to migrate between reservations and urban communities. The evolution of urban alternative schools will continue although we can expect these to experience major funding difficulties without federal assistance. The significant contribution of alternative systems is that they would force public institutions to a higher degree of responsiveness.

Within the urban Indian community, unifying endeavors will continue to focus attention on commonly shared problems, and efforts will continue to solve these problems. The major interest will be school dropouts, unemployment and health problems. Some major improvements can be expected in these areas.

Reservation health problems will continue to be a major issue in Indian affairs, and broad efforts will be made to find a solution to these problems. The schools should play an important role in resolving the health problems by integrating stronger health-oriented curriculum into the daily class schedule.

Finally, the reservation and urban community school concept will assume a major role in dealing with the health, social and economic problems associated with Indian life. The key in this development is the way that Indian people, Tribal governments, federal agencies, the Congress and administration place value in these institutions. The heart of a community is its educational institutions and the community school should radiate energy out into the community for the community's overall development.

Summary

Evolutionary processes have begun in the Indian community school respective of the needs that exist in the Indian community. Significant educational development is possible if Indian people are given the resources and allowed to develop their own educational institutions. This will require technical assistance from many sources, including a reorganized and restructured BIA.

Congress will need to provide the financial assistance necessary for this development and needs to continue support until the economic condition of Tribes improves. The key to economic progress is educational improvement. The first is impossible without the second.